



College Station, TX

Meeting Agenda City Council Special

Phone: 888 475 4499 and Enter Meeting ID: 622 660 5081

Internet: <https://zoom.us/j/6226605081>

Administrative Conference Room

March 30, 2020

3:00 PM

1101 Texas Ave, College Station,
TX 77840

1. Call to Order.

2. Executive Session is closed to the public and will be held in the Administrative Conference Room.

Consultation with Attorney {Gov't Code Section 551.071};

Possible action. The City Council may seek advice from its attorney regarding a pending or contemplated litigation subject or settlement offer or attorney-client privileged information. Litigation is an ongoing process and questions may arise as to a litigation tactic or settlement offer, which needs to be discussed with the City Council. Upon occasion the City Council may need information from its attorney as to the status of a pending or contemplated litigation subject or settlement offer or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed.

Legal Advice

a. Legal advice regarding third-party funding agreements

Personnel {Gov't Code Section 551.074};

Possible action. The City Council may deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer. After executive session discussion, any final action or vote taken will be in public. The following public officer(s) may be discussed:

a. Council Self Evaluation

b. City Manager – Discussion of Duties related to COVID19 Response

3. Reconvene from Executive Session and take action, if any.

4. Special Agenda

Speaker Protocol: An individual who wishes to address the City Council regarding any item on the Special Agenda shall register with the City Secretary prior to the meeting being called to order. To register the individual must provide a name and phone number by calling 979-764-3500 or emailing CSO@cstx.gov prior to the start of the meeting. To submit written comments to the Council email CSO@cstx.gov and they will be provided at the meeting. Upon being called to speak an individual must state their name and city of residence, including the state of residence if the city is located out of state. Speakers are encouraged to identify their College Station neighborhood or geographic location. Each speaker's remarks are limited to three (3) minutes. Any speaker addressing the Council through the use of a translator may speak for six (6) minutes. At the (3) minute mark the City Secretary will announce that the speaker must conclude their remarks.

- 4.1. Presentation, discussion, and possible action regarding the approval of program guidelines for the CDBG Economic Assistance Grant Program.

Sponsors: Debbie Eller

Attachments: 1. Guidelines Policies Procedures - Econ Dev Asst - Final

- 4.2. Presentation, discussion, and possible action on an ordinance of the City Council of the City of College Station postponing the municipal runoff election to be held April 18, 2020, for the purpose of electing City Councilmember Place 4 by the qualified voters of the City of College Station due to factors relating to COVID-19; postponing early voting and other matters relating to such special election; authorizing the establishment of a subsequent special election date; and containing other provisions related to the subject matter.

Sponsors: Tanya Smith, Mary Ann Powell

Attachments: 1. Ordinance

- 4.3. Presentation, possible action, and discussion regarding an ordinance consenting and approving Order Number Two Under Mayoral Declaration of Local State of Disaster Due to Public Health Emergency proclaimed by the Mayor on March 23, 2020.

Sponsors: Bryan Woods

Attachments: 1. Covid19 Ord SIP (1)
2. Exhibit A CS_Covid19_Disaster_Order_2

- 4.4. Presentation, discussion, and possible action regarding authorizing the City Manager and his designees to investigate and possibly implement the deferment of the collection of hotel occupancy taxes for a specified period of time.

Sponsors: Natalie Ruiz

Attachments: None

5. Adjourn.

The City council may adjourn into Executive Session to consider any item listed on the agenda if a matter is raised that is appropriate for Executive Session discussion.



City Secretary

This building is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need accommodations, auxiliary aids, or services such as interpreters, readers, or large print are asked to contact the City Secretary's Office at (979) 764-3541, TDD at 1-800-735-2989, or email adaassistance@cstx.gov at least two business days prior to the meeting so that appropriate arrangements can be made. If the City does not receive notification at least two business days prior to the meeting, the City will make a reasonable attempt to provide the necessary accommodations.

Penal Code § 30.07. Trespass by License Holder with an Openly Carried Handgun.

"Pursuant to Section 30.07, Penal Code (Trespass by License Holder with an Openly Carried Handgun) A Person Licensed under Subchapter H, Chapter 411, Government Code (Handgun Licensing Law), may not enter this Property with a Handgun that is Carried Openly."

Codigo Penal § 30.07. Traspasar Portando Armas de Mano al Aire Libre con Licencia.

"Conforme a la Seccion 30.07 del codigo penal (traspasar portando armas de mano al aire libre con licencia), personas con licencia bajo del Sub-Capitulo H, Capitulo 411, Codigo de Gobierno (Ley de licencias de arma de mano), no deben entrar a esta propiedad portando arma de mano al aire libre."

March 30, 2020
Item No. 4.1.
CDBG Economic Assistance Grant Program

Sponsor: Debbie Eller, Director of Community Services

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action regarding the approval of program guidelines for the CDBG Economic Assistance Grant Program.

Relationship to Strategic Goals:

Core Services and Infrastructure, Neighborhood Integrity, Diverse and Growing Economy

Recommendation(s): Staff recommends approval of guidelines for the CDBG Economic Assistance Grant Program

Summary: Staff has worked to create the Economic Assistance Grant Program to be funded with Community Development Block Grant funding. This program is meant to assist Micro-Enterprises and Small Businesses located within the city limits of College Station who have experienced financial hardships due to the COVID-19 Declarations and Orders. This program is intended to prevent the loss of jobs for low-to-moderate income employees.

The application for funding will include basic information about the business before and after the implementation of the COVID-19 declarations, including financial documents, employee information, and their willingness to comply with local, state, and federal requirements.

Funds will be disbursed in four installments, with the first distributed after the agreement is executed. Subsequent payments will be made following the submission of payroll documentation showing that the funding has helped retain jobs.

\$50,000 was approved for Economic Development activities in the 2019-2020 Annual Action Plan. Staff recommends an amendment to the Community Development Budget to move \$234,158 from Acquisition to Economic Development. This amendment can be completed with City Manager approval according to Fiscal Policies.

Budget & Financial Summary: Funds are available in the 2019-2020 Community Development budget.

Reviewed & Approved by Legal: No

Attachments:

1. Guidelines Policies Procedures - Econ Dev Asst - Final

ECONOMIC ASSISTANCE GRANT PROGRAM
CDBG MICRO-ENTERPRISE AND SMALL BUSINESS
WORKING CAPITAL JOB LOSS PREVENTION PROGRAM

In Support of Infectious Disease Response

PROGRAM GUIDELINES

This program is organized under Texas Local Government Code Chapter 373 (Community Development in Municipalities) and 24 CFR Part 570.203(b) (Community Development Block Grant Program).

A. STATEMENT OF PURPOSE & PROGRAM OVERVIEW

Public Purpose: The activities specified in these guidelines are intended to prevent job loss caused by business closures related to social distancing by providing short-term working capital assistance to small businesses to enable retention of jobs held by low-and moderate-income persons. In support of the City of College Station's infectious disease response, the Economic Assistance Grant Program (The "Program") provides funding from the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG). Additionally, the City may utilize other local, state, or federal resources that may become available. Funding may be made directly by the Community Services Department, or under contract through a nonprofit subrecipient selected through a competitive Request for Proposals (RFP) process.

Assistance will be provided to local micro-enterprises and small businesses within the incorporated areas of the City of College Station to primarily benefit (at least 51%) low-to-moderate income (LMI) households earning up to 80% of the Area Median Income (AMI). The program also provides for staff time to facilitate program delivery. Preservation of existing businesses and jobs will support the City's tax base and enable the City to continue to provide necessary services to businesses and residents. This project will meet the Low-Mod Income Job National Objective.

The basic goals of the Program are:

1. To provide immediate liquidity to College Station Micro-Enterprise and small businesses, including Minority and Women-Owned businesses at risk of job loss for low to moderate income employees through grants. These grants may be used to pay fixed debts, payroll, accounts payable and other bills necessary for the business to ensure retention of jobs for LMI employees.
2. To the extent practicable, ensure that CDBG funds are not substituted for non-federal financial support.
3. To preserve jobs for the City's LMI households.

Application for CDBG funds should be considered as a last resort. Assistance from other sources cannot be used for the same expenses covered by CDBG assistance. Replacement of CDBG assistance from another source can trigger repayment requirements.

B. DEFINITIONS

1. Micro-Enterprise Business – A micro-enterprise is a Commercial Enterprise that has five or fewer employees, one or more of whom owns the enterprise. Persons developing micro-enterprise means person who have expressed interest in and who are, or after an initial screening process are expected to be, actively working toward developing businesses, each of which is expected to be a micro-enterprise at the time it is formed.
2. Small Business – A private business which is headquartered in the City of College Station with greater than five (5) and fewer than 500 FTE employees, with a maximum prior-year gross receipts of \$5 million.
3. Low to Moderate Income – Primarily (at least 51%) not exceeding 80% of the Area Median Income (AMI), as published annually by HUD,
or for the purpose of determining if the preceding requirements are met, a person may be presumed to be LMI if:
 - a. He/she resides in a census tract/block numbering area that has a 20-percent poverty rate (30-percent poverty rate if the area includes the central business district); and the area evidences pervasive poverty and general distress, which means that all block groups in the census tract have poverty rates of at least 20 percent; or
 - b. The activity is located in a block group that has a poverty rate of at least 20 percent; or
 - c. He/she lives in an area that is part of a federally designated Empowerment Zone (EZ), Enterprise Community (EC), or Neighborhood Revitalization Strategy Area (NRSA); or
 - d. He/she resides in a census tract/block numbering area where at least 70 percent of the residents are LMI.
4. Primarily Benefit – At least 51% of the jobs retained must be shown to earn less than 80% AMI.

C. PROCESS/PROCEDURES

1. Grants will be made available to College Station micro-enterprises or small businesses up to \$40,000 with no application fees, processing fees, or other fees. Businesses may receive no more than one grant per calendar year. Grants must be shown to retain at least one full-time equivalent (FTE), permanent job per \$35,000 of CDBG funds used, as aggregated with other grants. Grants above \$40,000 may be considered, subject to City Manager approval.

The following table summarizes the grant amounts available based on number of employees:

Number of Employees	Maximum Grant Amount
1 – 5	\$10,000
6 – 10	\$20,000
11 – 20	\$30,000
21 or More	\$40,000

The following types of jobs will prioritized and utilized for funding decisions:

Healthcare/Public Health; Law Enforcement, Public Safety, First Responders; Food and Agriculture; Energy; Water and Wastewater; Transportation and Logistics; Public Works; Communications and Information Technology; Other Community-based Government Operations and Essential Functions; Critical Manufacturing; Hazardous Materials; Financial Services; Chemical; and Defense Industrial Base. (*Source: Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response, CISA.dhs.gov, March 19, 2020*)

2. Eligibility: Businesses, principals, officers and members shall not have any active exclusions under the System for Award Management or past due amounts owing to the City of College Station. Businesses should exhibit reasonable credit as determined by Dun and Bradstreet (DNBi), or alternatively, reasonable credit must be exhibited by business principals and/or guarantors from the credit bureaus. Businesses are at risk of closure or have been closed for a minimum of one (1) week related social distancing to requirements for infectious disease response within the previous two (2) years, and exhibit risk of job loss by LMI employees. Businesses must have a physical location in the City of College Station.
3. Insurance Requirement: Business must provide Certificate of Insurance indicating current Business Liability Insurance and Automobile Liability Insurance
4. Grant Application Documentation: In addition to the loan application, the micro-enterprise or small business applicant must provide the following supporting documentation:
 - a. Provide a profit/loss statement for the previous (1) years and submitted tax return demonstrating profitability of business.
 - b. What was your 3-month average for your total monthly payroll (payroll, health insurance): \$ _____ average/month
 - c. What is your current business situation – are you currently open/operational, current revenue streams. How would these funds impact your business operations?
 - d. Year your business was established: _____
 - e. Provide evidence that your business revenues have been affected by COVID-19 declarations.
 - f. How many employees did you employ prior to COVID-19? FTE _____ Part-time _____
 - g. Is there additional information that you would like to share to aid in our consideration of your request?
 - h. Provide affidavits of Income for LMI employees retained by use of Program Funds – due upon receipt of funds.
5. Grant Application Review: Grant application review will be performed under the requirements of 24 CFR Part 570.209, Guidelines for evaluating and selecting economic development projects. These guidelines require:
 - a. That project costs are reasonable;
 - b. That all sources of project financing are committed;
 - c. That to the extent practicable, CDBG funds are not substituted for non-Federal financial support;

- d. That the project is financially feasible;
- e. That to the extent practicable, the return on the owner's equity investment will not be unreasonably high; and
- f. That to the extent practicable, CDBG funds are disbursed on a pro rata basis with other finances provided to the project.

Ineligible activities include any of the following activities:

- a. Exceeds \$50,000 per full-time equivalent, permanent job created or retained.
- b. General promotion of the community as a whole (as opposed to the promotion of specific areas and programs)
- c. Assistance to professional sports teams;
- d. Assistance to privately-owned recreational facilities that serve a predominantly higher-income clientele, where the recreational benefit to users or members clearly outweighs employment or other benefits to low- and moderate-income persons;
- e. Acquisition of land for which the specific proposed use has not yet been identified; and
- f. Assistance to a for-profit business while that business or any other business owned by the same person(s) or entity(ies) is the subject of unresolved findings of noncompliance relating to previous CDBG assistance provided by the recipient.

D. PROCEDURE:

- 1. Program activities shall be the responsibility of the Community Services Director.
- 2. The City may issue a Request for Proposals so that the Program may be administered by a nonprofit subrecipient. In that case, the subrecipient will be responsible for all application intake, application review, eligibility determinations, and grant documentation. The City will perform environmental reviews for each activity, funding of the grant, and will monitor the subrecipient quarterly.
- 3. Prior to allocation of funding, each activity shall undergo an applicable environmental review under 24 CFR Part 58.35(b) approved by the Community Services Director.
- 4. Community Development staff, Review Team consisting of local financial experts, and/or subrecipient shall review grant applications and determine eligibility. Upon approval, a written conditional grant commitment will be issued, subject to final approval by the City Manager or designee.
- 5. The assistance agreement and related documents shall be approved by the Legal Department.
- 6. Grant funding will generally take place within thirty (30) days. Disbursements will occur in four (4) equal payments. The first upon execution of the agreement and subsequent payments made following submission of reports indicated retained jobs.
- 7. Contracts for less than \$100,000 are subject to approval by the City Manager. Contracts for \$100,000 or more are subject to approval by the City Council.
- 8. Community Development or subrecipient staff may disapprove applications determined to be ineligible or incomplete.
- 9. Staff will monitor recipients monthly for two (2) months to ensure that the assisted LMI jobs are retained.

E. ANTI-DISPLACEMENT POLICY STATEMENT

1. The City shall not engage or participate in any activities that influence the permanent and involuntary relocation or displacement of any low-income family due to this program, pursuant to the provisions of 24 CFR§ 92.353 Displacement, relocation, and acquisition.
2. It is not anticipated that any relocation will be necessary under this program. If the need does arise, the City will follow the relocation procedures as set forth in its adopted Anti-Displacement Policy. All programs of the Community Services Department are voluntary programs.
3. Anti-Job Piracy: No relocation of business is anticipated under this Program. CDBG funds may not be used to assist business relocation under 24 CFR Part 570.210.

H. EQUAL OPPORTUNITY STATEMENT

The City of College Station is committed to providing equal opportunity for minority or women owned businesses, and will comply with the provisions of 24 CFR § 92.350 (Other Federal requirements and nondiscrimination) and 24 CFR § 92.351 (Affirmative marketing; minority outreach program). The City shall comply with the Federal Equal Credit Opportunity Act which prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, or age (provided that applicant has the capacity to enter into a binding contract).

March 30, 2020
Item No. 4.2.
Postponement of Special Runoff Election

Sponsor: Tanya Smith, City Secretary, Mary Ann Powell, Deputy City Attorney

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action on an ordinance of the City Council of the City of College Station postponing the municipal runoff election to be held April 18, 2020, for the purpose of electing City Councilmember Place 4 by the qualified voters of the City of College Station due to factors relating to COVID-19; postponing early voting and other matters relating to such special election; authorizing the establishment of a subsequent special election date; and containing other provisions related to the subject matter.

Relationship to Strategic Goals:

- Good Governance

Recommendation(s): Staff recommends approval of the ordinance

Summary: In light of the two-week shelter-in-place order, and our commitment to help stop the spread of COVID-19, City of College Station is delaying the April 18 runoff election that will fill Place-4 on the City Council. At this point, we don't yet know what mechanism will be required to set a new runoff election date. This runoff results from a four-candidate Jan. 28 special election with Elizabeth Cunha and Joe Guerra, Jr. advancing to a runoff election. Early voting was set to begin April 1.

The unexpired term for Place-4 runs through November 2021, at which point the seat will be on the ballot for a full three-year term. The seat was vacated last fall when Councilwoman Elianor Vessali resigned to seek the Republican nomination for the U.S. Congressional Dist. 17 seat.

Budget & Financial Summary: N/A

Reviewed & Approved by Legal: No

Attachments:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION POSTPONING THE MUNICIPAL RUNOFF ELECTION TO BE HELD APRIL 18, 2020, FOR THE PURPOSE OF ELECTING CITY COUNCILMEMBER PLACE 4 BY THE QUALIFIED VOTERS OF THE CITY OF COLLEGE STATION DUE TO FACTORS RELATING TO COVID-19; POSTPONING EARLY VOTING AND OTHER MATTERS RELATING TO SUCH SPECIAL ELECTION; AUTHORIZING THE ESTABLISHMENT OF A SUBSEQUENT SPECIAL ELECTION DATE; AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER.

WHEREAS, on or about February 6, 2020, the City Council of the City of College Station (“City”) called for a special run off election to fill vacant councilmember position 4; and

WHEREAS, since that time the pandemic known as COVID-19 has had a profound deleterious impact on the City’s ability to hold such special election, including declarations of disaster, and various orders and proclamations relating to COVID-19 at the local, county, state and federal levels; and

WHEREAS, going forward with the special election as currently planned April 18, 2020 with early voting to begin April 1, 2020 poses an unreasonable risk to human health, safety and welfare; and

WHEREAS, due to the additional legal and practical impediments to holding the special election because of the limitations of free movement, closure of all but essential businesses, etc. in the midst of the COVID-19 health crisis preventing the exercise of the fundamental right to vote; and

WHEREAS, because these matters still exist and are predicted to continue to exist during the early voting period as well as on election day as currently scheduled; now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

SECTION 1. That the facts and recitations set forth in the preamble of this Ordinance are declared true and correct.

SECTION 2. That the City of College Station, Texas, special election called for on or about February 6, 2020, as set forth in Ordinance No. 2020-4152 for election day to occur April 18, 2020 and early voting to begin April 1, 2020, is hereby postponed to the November 2020 general election date established pursuant to the Texas Election Code, or to such earlier date as may be approved by the Governor of the State of Texas or by some other legally acceptable mechanism.

SECTION 3. That City Council of the City hereby ratifies, authorizes and directs staff to take whatever measures reasonable and appropriate to give effect to this Ordinance.

SECTION 4. That this Ordinance shall take effect immediately from and after its passage.

APPROVED AND ADOPTED by the City Council of the City of College Station this 30th day of March, 2020.

CITY OF COLLEGE STATION:

Karl Mooney, Mayor

ATTEST:

Tanya Smith, City Secretary

APPROVED AS TO FORM:

Mary Ann Powell, Deputy City Attorney

March 30, 2020
Item No. 4.3.
Ordinance Consenting to Mayoral Order

Sponsor: Bryan Woods, City Manager

Reviewed By CBC: City Council

Agenda Caption: Presentation, possible action, and discussion regarding an ordinance consenting and approving Order Number Two Under Mayoral Declaration of Local State of Disaster Due to Public Health Emergency proclaimed by the Mayor on March 23, 2020.

Relationship to Strategic Goals:

- Good Governance

Recommendation(s): Staff recommends Council adopt the ordinance.

Summary:

On March 17, 2020, the Mayor of College Station issued a proclamation declaring a state of disaster for the City of College Station resulting from the threat of a public health emergency resulting from coronavirus disease 2019, now designated SARS-CoV2, (COVID-19).

On March 18, 2020, the Mayor of College Station issued an order closing all bars, limiting restaurants to only take-out, drive-through, or delivery services and amended the declaration to limit gatherings to less than ten (10) people in the best interest of the public health, safety and welfare to protect life in College Station in response to COVID-19.

On March 20, 2020, the College Station City Council adopted an Extension of Disaster Ordinance with Ordinance No. 2020-4164 extending the March 17, 2020 Disaster Declaration and extending the Mayor's Order of March 18, 2020.

On March 23, 2020, the Mayor of College Station issued a Second Mayoral Order mandating the citizens of College Station to shelter in place until Tuesday, April 7, 2020; and the conditions necessitating the declaration of a state of disaster and mayoral orders continue to exist; and the Council needs to consent and approve the Second Mayoral Order.

Budget & Financial Summary: N/A

Reviewed & Approved by Legal: No

Attachments:

1. Covid19 Ord SIP (1)
2. Exhibit A CS_Covid19_Disaster_Order_2

CITY ORDINANCE NO. _____

WHEREAS, on March 17, 2020, the Mayor of College Station issued a proclamation declaring a state of disaster for the City of College Station resulting from the threat of a public health emergency resulting from coronavirus disease 2019, now designated SARS-CoV2, (COVID-19); and

WHEREAS, on March 18, 2020, the Mayor of College Station issued an order closing all bars, limiting restaurants to only take-out, drive-through, or delivery services and amended the declaration to limit gatherings to less than ten (10) people in the best interest of the public health, safety and welfare to protect life in College Station in response to COVID-19; and

WHEREAS; on March 20, 2020, the College Station City Council adopted an Extension of Disaster Ordinance with Ordinance No. 2020-4164 extending the March 17, 2020 Disaster Declaration and extending the Mayor's Order of March 18, 2020; and

WHEREAS, on March 23, 2020, the Mayor of College Station issued a Second Mayoral Order mandating the citizens of College Station to shelter in place until Tuesday, April 7, 2020; and

WHEREAS, the conditions necessitating the declaration of a state of disaster and mayoral orders continue to exist; and

WHEREAS, said state of disaster requires that certain emergency measures be taken pursuant to the Texas Government Code, Chapter 418; and the following regulations shall take effect immediately upon issuance, and shall remain in effect until the state of disaster is terminated or as stated below; and

NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF COLLEGE STATION:

1. That Order Number Two Under Mayoral Declaration of Local State of Disaster Due to Public Health Emergency proclaimed by the Mayor on March 23, 2020, as set out in **Exhibit A** and as amended below, shall continue until terminated by order of the College Station City Council; and
2. That Order Number Two Under Mayoral Declaration of Local State of Disaster Due to Public Health Emergency Section 9 shall be amended to state "Section 9. In accordance with §418.173 of the Texas Government Code, a person who knowingly or intentionally violates this declaration commits an offense, punishable by a fine up to \$1,000.00 or confinement in jail for a term that does not exceed 180 days."; and
3. This ordinance is passed as an emergency measure and pursuant to local authority for emergency measures and shall become effective on the 30th day of March, 2020.

PASSED AND ADOPTED, this 30th day of March, 2020.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

City Attorney

EXHIBIT A

**MARCH 23RD ORDER NUMBER TWO UNDER MAYORAL DECLARATION OF
LOCAL STATE OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY**



ORDER NUMBER TWO UNDERMAYORAL DECLARATION OF LOCAL STATE OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY

WHEREAS, beginning in December 2019, a novel coronavirus, now designated SARS-CoV2 which causes the disease COVID-19, has been declared a global pandemic by the World Health Organization; and

WHEREAS, the symptoms of COVID-19 can range from mild to severe illness and cause further complications including death; and

WHEREAS, COVID-19 virus mainly spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas issued a proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas; and

WHEREAS, on March 13, 2020, stating that extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout Brazos County, the Judge of Brazos County issued a proclamation declaring a state of disaster for Brazos County, Texas; and

WHEREAS, on March 17, 2020, the Mayor of College Station issued a proclamation declaring a state of disaster for the City of College Station resulting from the threat of a public health emergency resulting from coronavirus disease 2019, now designated SARS-CoV2, (COVID-19); and

WHEREAS, on March 18, 2020 the Mayor of College Station issued an order closing all bars, limiting restaurants to only take-out, drive-through, or delivery services and limiting gatherings to less than ten (10) people in the best interest of the public health, safety and welfare to protect life in College Station in response to COVID-19; and

WHEREAS, the City of College Station on the 23rd day of March, 2020 adopted an ordinance extending a Declaration of Local Disaster and Order, attached and incorporated into this Order, identifying an imminent threat of a public health emergency resulting from coronavirus disease 2019, now designated SARS-CoV2, (COVID-19); and

WHEREAS, the Governor has acknowledged that cities may need to enact more stringent measures to address this public health emergency; and

WHEREAS, the number of confirmed cases of COVID-19 in Brazos County and Texas continues to grow; and

WHEREAS, said state of disaster requires that certain emergency protective measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management and Public Health, pursuant to Chapter 418 of the Texas Government Code;

NOW THEREFORE, BE IT ORDERED BY THE MAYOR OF THE CITY OF COLLEGE STATION:

SECTION 1. That this Order Number Two Under Mayoral Declaration of Local State of Disaster Due to Public Health Emergency shall be given prompt and general publicity and filed with City Secretary.

SECTION 2. That I, Karl Mooney, Mayor of the City of College Station, have determined that extraordinary and immediate measures must be taken to respond quickly to prevent and slow down community spread of COVID-19;

SECTION 3. That all individuals currently living in the City of College Station, Texas (the “City”), are ordered to shelter at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six-feet from any other person when outside their residence. All persons may leave their residences only for Essential Activities, Essential Government Functions, or to operate Essential Businesses, all as defined below. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable, and to utilize Social Distancing Requirements in their operations.

SECTION 4. That all businesses with a facility in the City, except Essential Businesses as defined below, are required to cease all activities at facilities located within the City except Minimum Basic Operations, as defined below. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are encouraged to determine essential staff necessary to operate and send non-essential staff home. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined below, including but not limited to when any customers are standing in line.

SECTION 5. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in below. Nothing in this Order prohibits the gathering of members of a household or living unit.

SECTION 6. All travel, except Essential Travel and Essential Activities as defined below, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined below, to the greatest extent feasible. This Order allows travel into or out of the City to

perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

SECTION 7. Definitions and Exemptions.

Essential Activities.

For purposes of this Order, individuals may leave their residence only to perform any of the following "**Essential Activities**:"

- 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 (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home;
- To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products and products necessary to maintain the safety, sanitation, and essential operation of residences;
- To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined below, such as, by way of example and without limitation, walking, hiking, running or riding a bicycle;
- To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations; and
- To care for a family member or pet in another household.

However, people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible, except as necessary to seek medical care.

Healthcare Operations

For purposes of this Order, individuals may leave their residence to work for or obtain services at any "**Healthcare Operations**" including hospitals, clinics, dentists, pharmacies, pharmaceutical, and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services.

"Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.

Essential Infrastructure

For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "**Essential Infrastructure**," including, but not limited to, 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), provided that they carry out those services or they work in compliance with Social Distancing Requirements as defined below, to the extent possible.

For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order.

Essential Governmental Functions

Nothing in this Order shall prohibit any individual from performing or accessing "**Essential Governmental Functions**," as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Order, to the extent possible.

For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

Essential Businesses

For the purposes of this Order, "**Essential Businesses**" means:

Healthcare Operations and Essential Infrastructure;

Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products), and liquor stores. This definition includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;

Food cultivation, including farming, livestock, and fishing;

Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;

Newspapers, television, radio, and other media services;

Gas stations and auto-supply, auto-repair, and related facilities;

Banks and related financial institutions;

Hardware and construction supply stores;

Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;

Businesses providing mailing and shipping services, including post office boxes;

Laundromats, drycleaners, and laundry service providers;

Restaurants and other facilities that prepare and serve food, but only for delivery, drive through or carry out. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site.

Note: Patrons may not wait inside a restaurant for their food orders. If there is a line or gathering of persons (outside of their vehicles) waiting to be served, such places puts everyone in the line or gathering at a higher risk of transmission of COVID-19. Restaurants are urged to create a system that does not involve such lines or gatherings of people waiting to order or waiting to receive their order. For example, a system where the customers call in their order and stay in or at their vehicles until notified that their order is ready---with only one customer at the transaction point at a time, or other methods that assure that the purposes of this Order are served. Stressing the need for call ahead or internet ordering also will cut down on waiting time and could be used in conjunction with the customer calling in or texting when he or she has arrived to allow for straight to vehicle service. If lines cannot be avoided it shall be the restaurant management's responsibility to assure that safe Social Distancing is practiced. This rule also applies to food trucks;

Businesses that supply products needed for people to work from home;

Businesses that supply other essential businesses with the support or supplies necessary to operate;

Businesses that ship or deliver groceries, food, goods or services directly to residences;

Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;

Home-based care for seniors, adults, or children;

Residential facilities and shelters for seniors, adults, and children;

Professional services: legal, accounting, insurance, real estate services (including appraisal, survey, and title services);

Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:

- Childcare must be carried out in stable groups of 12 or fewer ("stable" means that the same 12 or fewer children are in the same group each day);
- Children shall not change from one group to another;
- If more than one group of children is cared for at one facility, each group shall be in a separate area and shall not mix with each other; and
- Childcare providers shall remain solely with one group of children;

Utilities, telecommunications, trash collection and disposal, law enforcement, EMS/ambulance, corrections, dispatch, animal shelters, and governmental employees who have not been specifically deemed non-essential and sent home by the government entity;

Janitorial and maintenance services, funeral industry, defense industry, space and technology industry, technology support, and scientific research; and

Religious services provided in residences, healthcare operations, at funerals, or provided online while being broadcast from a religious facility.

Minimum Basic Operations

For the purposes of this Order, "**Minimum Basic Operations**" include the following, provided that employees comply with Social Distancing Requirements as defined below, to the extent possible, while carrying out such operations:

The minimum necessary activities to maintain the value of the business' inventory, ensure security, process payroll and employee benefits, or for related functions; and

The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

Essential Travel

For the purposes of this Order, "Essential Travel" includes travel for any of the following purposes:

Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations;

Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;

Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;

Travel to return to a place of residence from outside the jurisdiction;

Travel required by law enforcement or court order; or

Travel required for non-residents to return to their place of residence outside the City. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional prior to commencing such travel. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined below.

For purposes of this Order, residences include hotels, motels, shared rental units, and similar facilities.

Social Distancing Requirements

For purposes of this Order, "**Social Distancing Requirements**" includes maintaining at least six (6) foot social distancing from other individuals, washing hands with soap and water for at least twenty (20) seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

Non-essential businesses shall shut down except for maintaining Minimum Basic Operations as defined herein. Essential Businesses exempted from shut-down are encouraged to determine staff who are essential to operations and to send non-essential staff home

When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined in this Order.

All public, private, and commercial laboratories operating within the City of College Station and performing COVID-19 testing shall report by 5:00 p.m. each day for the prior 24-hour period to the Brazos County Health Department:

- the number of COVID-19 tests performed; and
- the number of positive COVID-19 tests.

Such laboratories shall not provide names or other individually identifiable health information that could be used to identify an individual patient. This information will be used solely for public health purposes to monitor the testing conducted in the City and mitigate and contain the spread of COVID-19.

All provisions of this Order should be interpreted to effectuate this intent.

SECTION 8. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.

SECTION 9. That a violation of this order shall be a Class C misdemeanor and the penalty for violating this order shall be a fine of not less than one dollar (\$1.00) and no more than one thousand dollars (\$1,000.00), and each day a violation exists shall be a separate offense; or confinement in jail for a term up to 180 days. This Order also authorizes the use of any other lawfully available enforcement tools.

SECTION 10. The City of College Station must promptly provide copies of this Order by posting it on the City of College Station website. 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.

SECTION 11. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance 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.

SECTION 12. That this order remains in effect from 9:00 p.m., Tuesday, March 24, 2020, for a period of two (2) weeks, ending at 11:59 p.m., Tuesday, April 7, 2020.

SECTION 13. That this order shall take effect immediately from and after its issuance.

ORDERED this 23rd day of March, 2020.

APPROVED:



Mayor

ATTEST:



City Secretary

APPROVED:



City Attorney

March 30, 2020

Item No. 4.4.

Deferment of Collection of Hotel Occupancy Taxes

Sponsor: Natalie Ruiz, Director of Economic Development

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action regarding authorizing the City Manager and his designees to investigate and possibly implement the deferment of the collection of hotel occupancy taxes for a specified period of time.

Relationship to Strategic Goals:

- Financially Sustainable City
- Diverse Growing Economy

Recommendation(s): Recommend the City Council authorize the City Manager to implement the deferment of the collection of hotel occupancy taxes for a period of time.

Summary: Staff is exploring the possibility of deferring required Hotel Occupancy Tax payments to a future date. Due to the impacts and response to the COVID-19 virus, local hotel occupancy has been reduced substantially. A tax collection policy is being considered that will defer the required payment to a future date to be determined.

Budget & Financial Summary: Hotel Occupancy Tax collection will be reduced dramatically given recent events. Fewer hotel stays result in fewer tax dollars paid. The amount of taxes required of local hotels will not be reduced or waived. Instead, they will be due at a future date to be determined.

Reviewed & Approved by Legal: No

Attachments:

None