

# CITY OF KYLE



## Notice of Special City Council Meeting

US: +1(800)3368975 Meeting ID: 149  
858 5592

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 4:00 PM on March 23, 2020, at US: +1(800)3368975 Meeting ID: 149 858 5592, for the purpose of discussing the following agenda.

Originally posted this 20th day of March, 2020, prior to 4:00 p.m.

Updated this 23rd day of March, 2020, prior to 3:00 p.m.

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### **I. Call Meeting to Order**

### **II. Citizen Comment Period with City Council**

The City Council welcomes comments from Citizens early in the agenda of special meetings. Those wishing to speak are encouraged to sign in before the meeting begins. Speakers may be provided with an opportunity to speak during this time period on any agenda item or any other matter concerning city business, and they must observe the three-minute time limit.

1. This meeting will be held by teleconference. Any citizen wanting to make a comment should dial in to US: +1(800)3368975 Meeting ID: 149 858 5592 to register for citizen comments.

### **III. Consider and Possible Action**

2. Emergency Ordinance: An Ordinance of the City of Kyle, Texas Continuing a Disaster Declaration for the City of Kyle and Providing for a Penalty and Enforcement. ~ *Travis Mitchell, Mayor*
3. Ratify Mayor's Temporary Order to close day care facilities. ~ *Travis Mitchell, Mayor*

### **IV. Public notice is hereby given pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, of the following imminent threat to public health and safety or reasonably unforeseeable situation**

**necessitating this emergency addition to the agenda: Because of the potential for loss of life and property to the residents of the City resulting from the introduction, transmission, spread or imminent threat of the same of the Coronovirus disease 2019 (also known as COVID-19), an emergency, urgent public necessity and imminent threat to public health and safety exists that requires**

4. Supplemental Notice of Emergency Agenda Item. ~ *Paige Saenz, City Attorney*

An Ordinance Adopted Pursuant to Section 122.006, Texas Health and Safety Code Requiring Gas Stations to Maintain One Door Open During Business Hours; Requiring the Posting of the Order Requiring Such Doors to Remain Open; Declaring an Emergency; Ratifying, Confirming, and Approving the Mayor's Order Number Two and the Actions Taken by the Mayor and Staff Pursuant to Such Order Requiring Gas Station Doors to Remain Open; Providing a Penalty of \$2000; and Providing for Related Matters

## **V. Adjourn**

\*Per Texas Attorney General Opinion No. JC-0169; Open Meeting & Agenda Requirements, Dated January 24, 2000: The permissible responses to a general member communication at the meeting are limited by 551.042, as follows: "SEC. 551.042. Inquiry Made at Meeting. (a) If, at a meeting of a government body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by the subchapter, the notice provisions of this subchapter, do not apply to:(1) a statement of specific factual information given in response to the inquiry; or (2) a recitation of existing policy in response to the inquiry. (b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting."



# CITY OF KYLE, TEXAS

## Disaster Declaration

**Meeting Date: 3/23/2020**

**Date time:4:00 PM**

**Subject/Recommendation:** Emergency Ordinance: An Ordinance of the City of Kyle, Texas Continuing a Disaster Declaration for the City of Kyle and Providing for a Penalty and Enforcement. ~ *Travis Mitchell, Mayor*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

- Ordinance
- Kyle Disaster Declaration

**ORDINANCE OF THE CITY OF KYLE, TEXAS CONTINUING  
DECLARATION DISASTER  
FOR THE CITY OF KYLE, TEXAS**

**WHEREAS**, the Mayor of the City of Kyle, Texas declared a state of local disaster on March 17, 2020 due to imminent threat from COVID-19; and

**WHEREAS**, in accordance with Texas Government Code Section 418.108(b), the declaration of local state of disaster may not be continued or renewed for a period of more than seven (7) days except with the consent of the City Council of the City of Kyle, Texas; and

**WHEREAS**, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern, advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

**WHEREAS**, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and

**WHEREAS**, on March 13, 2020, Governor Abbott declared a state of disaster for all counties in the State of Texas due to COVID-19 posing an imminent threat of disaster in the state; and

**WHEREAS**, the Center for Disease Control and Preparation is closely monitoring the number of COVID-19 cases that have spread in the United States; and

**WHEREAS**, on March 15, 2020, the Judge Becerra issued a disaster declaration, which was extended for 120 days by the Hays County Commissioners Court on March 16, 2020; and

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

**WHEREAS**, large gatherings of unidentifiable individuals without necessary mitigation for the spread of infection may pose a risk for the spread of infectious disease; and

**WHEREAS**, the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action; and

**WHEREAS**, this Ordinance was approved by a vote of at least five members of the City Council; and

WHEREAS, the City Council of the City of Kyle, Texas, pursuant to Texas Government Code Section 418.108(b), has consented to continue the declaration of local state of disaster for the City of Kyle, Texas.

**NOW THEREFORE, BE IT DECLARED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:**

- 1.) Pursuant to Section 4.07 of the City Charter, the City Council hereby finds and determines that an emergency exists, such emergency being the imminent threat to life, health, property, and public peace posed by the outbreak of COVID-19 and its effects. This Ordinance is being adopted by one reading pursuant to Section 4.07 of the City Charter. This Ordinance is effective immediately and the City Manager is hereby authorized and directed to cause the publication of the caption of this Ordinance in two successive issues of a newspaper of general circulation in the City. This ordinance shall be automatically repealed within sixty (60) days unless reenacted by the City Council.
- 2.) The declaration of state of local disaster for the City of Kyle, Texas resulting from threats posed by COVID-19 is hereby continued.
- 3.) This Declaration continues to activate the City's Emergency Management Plan.
- 4.) This Declaration continues to activate the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of aid and assistance under the Declaration, and the preparedness and response aspects of the plans are activated as provided in the plans and such other measures as set forth in the Mayor's March 16, 2020 disaster declaration.
- 5.) This Declaration continuing a local state of disaster shall be effective for one-hundred twenty (120) days on and from its date of issuance, provided however that this Declaration may be terminated before the expiration of 120 days by subsequent order of the Mayor, and may be continued or renewed beyond said period from its date of issuance only with the consent of the City Council of the City of Kyle, Texas.
- 6.) Orders issued by the Mayor prior to the effective date of this Ordinance are hereby ratified, confirmed, and approved.
- 7.) In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this Ordinance, or a declaration, order or proclamation issued by the Mayor under Chapter 418, Government Code, the

City Charter, or the emergency management plan, 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. Article III, Chapter 20, of the City's Code of Ordinances is hereby amended to add this section 7 to a section entitled: Section 20.103. Penalty for Violation of the Emergency Management Plan.

- 8.) The sections, paragraphs, sentences, clauses and phrases of this Declaration are severable and if any phrase, clause, sentence, paragraph or section of this Declaration should be declared invalid by the final judgment or decree of any court or competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Declaration that can be given effect without the invalid provision, and to this end the provisions of this Order are severable.
- 9.) This Declaration shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
- 10.) This Declaration shall take effect immediately from and after its issuance.

This Ordinance is hereby **PASSED AND APPROVED**, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Travis Mitchell, Mayor  
City of Kyle, Texas

ATTEST:

\_\_\_\_\_  
Jennifer Vetrano, City Secretary

**CITY OF KYLE, TEXAS**  
**DECLARATION OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY**

**WHEREAS**, in December 2019, a novel coronavirus, designated COVID-19, was detected in Wuhan, China; and

**WHEREAS**, symptoms of COVID-19 include fever, cough and shortness of breath, and can range from mild to severe illness; and

**WHEREAS**, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern, advising countries to prepare for the containment, detection, isolation and case management, contract tracing and prevention of onward spread of the disease; and

**WHEREAS**, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and

**WHEREAS**, on March 13, 2020, Governor Abbott declared a state of disaster for all counties in the State of Texas due to COVID-19 posing an imminent threat of disaster in the state; and

**WHEREAS**, on March 16, 2020, President Donald Trump recommended that “People should avoid gathering in groups of more than 10” and “People should stay away from bars restaurants and food courts, and to not travel if possible”; and

**WHEREAS**, the Center for Disease Control and Preparation is closely monitoring the number of COVID-19 cases that have spread in the United States; and

**WHEREAS**, on March 15, 2020, the Judge Becerra issued a disaster declaration, which was extended for 120 days by the Hays County Commissioners Court on March 16, 2020; and

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

**WHEREAS**, large gatherings of unidentifiable individuals without necessary mitigation for the spread of infection may pose a risk for the spread of infectious disease; and

**WHEREAS**, the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action; and

**WHEREAS**, Texas Government Code Chapter 418, Section 418.108, authorizes the Mayor of the City of Kyle to declare a local state of disaster and exercise the powers granted therein on an appropriate local scale; and

**WHEREAS**, Section 418.004(a) of the Texas Government Code defines disaster as the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, cybersecurity event, other public calamity requiring emergency action, or energy emergency; and

**WHEREAS**, the Centers on Disease Control and Prevention (“CDC”) recommends an “All of Community” approach focused on slowing the transmission of COVID-19 through social distancing to reduce illness and death, while minimizing social and economic impacts; and

**WHEREAS**, due to the substantial risks to the public, this Declaration prohibits gatherings of more than 10 persons anywhere in the City of Kyle beginning at \_\_\_\_m. on March \_\_, 2020, and continuing until April 5, 2020 if this Declaration is continued by the City Council, unless terminated or modified by an earlier order or declaration, and

**WHEREAS**, a declaration of local disaster includes the ability to take measures to reduce the possibility of exposure to disease, control the risk and promote the health and safety of individuals in the City;

**NOW, THEREFORE, BE IT DECLARED AND ORDERED**, pursuant to the authority granted in the Texas Disaster Act of Texas Government Code Chapter 418, as follows:

1. A local state of disaster is hereby declared for the City of Kyle pursuant to Section 418.108(a) of the Texas Government Code.
2. By this declaration, the City of Kyle’s role under the Hays County Emergency Management Plan, which is adopted as the City’s Emergency Management Plan, is activated, and all other statutory, Charter, and ordinance powers vested in me and all officers of the City to act in this local state of disaster are activated. This declaration shall also activate all recovery and rehabilitation aspects of all applicable local and interjurisdictional emergency management plans and authorizes the furnishing of all aid and assistance as deemed necessary and desirable by those administering such plans.
3. By this declaration, I declare all rules and regulations that may inhibit or prevent prompt response to this threat be suspended for the duration of this declaration and any extension thereof.
4. Pursuant to the authority granted to the Mayor under the Texas Disaster Act of Texas Government Code Chapter 418, I shall exercise any and all necessary powers set out thereunder and I hereby authorize the use of all available resources of state government and political subdivisions to assist in the City’s response to this disaster.
5. Pursuant to the authority granted under the laws of the State of Texas, the City may take all legal actions necessary to protect the health of persons in the City.



6. Pursuant to Health and Safety Code Section 122.006, the City may adopt rules to protect the health of persons in the City, and provide for the establishment of quarantine stations, emergency hospitals, and other hospitals.
7. Pursuant to Section 418.108(b) of the Texas Government Code, the state of a local disaster shall continue for a period of not more than seven (7) days from the date of this Declaration and Order unless continued or renewed by the City Council of the City of Kyle; Texas.
8. Pursuant to Section 418.108(c) of the Texas Government Code, this Declaration and Order shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
9. This declaration hereby limits the size of gatherings to not more than 10 people and mandates the cancellation of all such gatherings until further notice. A “gathering” refers generally to a scheduled event or common endeavor where 10 persons are present in a confined space, room, or area.
10. In accordance with Texas Government Code §418.173, 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.
11. Upon ratification of the Kyle City Council, this declaration shall remain in effect until midnight April 5, 2020.
12. The following exemptions apply to the gathering limits:
  - i) Grocery stores
  - ii) Gas stations
  - iii) Medical facilities (including chiropractic, veterinary, etc.)
  - iv) Outdoor construction areas
  - v) Hays CISD activities such as online learning and food distribution
13. The following establishments are closed entirely:
  - i) Day Care / Child Care facilities
  - ii) Movie Theaters
  - iii) Bowling Alleys
  - iv) Indoor Gymnasiums
  - v) Massage Parlors
  - vi) Public, HOA and Semi-public playground equipment and pools
14. The City will post this Declaration on its website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Declaration is strongly encouraged to post a copy of this Declaration 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 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.

**This Declaration and Order is adopted this the 19th day of March 2020, at 6:30 PM, effective 12:01 AM March 21, 2020.**

\_\_\_\_\_  
Travis Mitchell, Mayor  
City of Kyle, Texas

Filed with me, the City Secretary of the City of Kyle, this the \_\_\_\_ day of \_\_\_\_\_, 2020, by Mayor Travis Mitchell, whose signature I hereby attest under my hand and seal of the City of Kyle.

\_\_\_\_\_  
Jennifer Vetrano, City Secretary



# CITY OF KYLE, TEXAS

## Order Close Daycares

Meeting Date: 3/23/2020  
Date time:4:00 PM

**Subject/Recommendation:** Ratify Mayor's Temporary Order to close day care facilities. ~ *Travis Mitchell, Mayor*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

- ☐ Order.Close.Daycares

## **ORDER BY THE MAYOR OF THE CITY OF KYLE**

**WHEREAS**, on March 17, 2020, the Mayor of the City of Kyle issued a disaster declaration declaring a local state of disaster for the City of Kyle due to COVID-19 posing an imminent threat of disaster in the City;

**WHEREAS**, COVID-19 continues to spread and to pose an increasing, imminent threat of disaster throughout Texas; and

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) has advised that person-to-person contact heightens the risk of COVID-19 transmission; and

**WHEREAS**, the Texas Department of State Health Services determined that, as of March 19, 2020, COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

**WHEREAS**, gatherings of individuals without necessary mitigation for the spread of infection may pose a risk for the spread of infectious disease; and

**WHEREAS**, on March 19, 2020, the Governor issued an order limiting social gatherings to not more than ten people and ordering the closure of schools until 11:59 p.m. on April 3, 2020; and

**WHEREAS**, the Governor's Order further states that the more that people reduce their public contact, the sooner COVID-19 will be contained and the sooner this executive order will expire;

**NOW THEREFORE, I, MAYOR OF THE CITY OF KYLE, TEXAS, PURSUANT TO THE AUTHORITY VESTED IN ME BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER THAT:**

**Section 1.** The findings and recitations set out in the preamble to this Order are found to be true and correct and they are hereby adopted by the Mayor and made a part hereof for all purposes.

**Section 2.** Effective as of 11:59 p.m. on March 20, 2020, and continuing until 11:59 p.m. on April 3, 2020, all day care centers, child-care facilities, and family homes, as those terms are defined by Chapter 42, Texas Human Resources Code, within the City of Kyle are hereby ORDERED to be temporarily closed.

**Section 3.** The Kyle Police Department and other peace officers are hereby authorized to enforce this order. A person who willfully disregards or conspires to willfully disregard this order is considered to have violated an order authorized by Chapter 418 of the Texas Government Code and is subject to a fine of up to \$500 for each violation.

**Section 4.** The City will post this Order on its website and Order shall be widely advertised to help accomplish the public health and safety objectives of the City of Kyle. 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 5.** 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.

**Section 6.** This Order supersedes all previous orders or declaration on the matter of the operation and occupancy of day cares, day care centers, child-care facilities, and family homes that are in conflict or inconsistent with its terms, and this Order shall remain in effect and in full force until 11:59 p.m. on April 3, 2020, subject to being extended, modified, amended, rescinded, or superseded by me or by a succeeding Mayor.

Ordered this the \_\_\_\_ day of March, 2020, in the City of Kyle, Texas.

\_\_\_\_\_  
Travis Mitchell, Mayor  
City of Kyle, Texas

Attest:

\_\_\_\_\_  
Jennifer Vetrano, City Secretary



# CITY OF KYLE, TEXAS

## Supplemental Emergency Agenda Item

Meeting Date: 3/23/2020

Date time:4:00 PM

**Subject/Recommendation:** Supplemental Notice of Emergency Agenda Item. ~ *Paige Saenz, City Attorney*

An Ordinance Adopted Pursuant to Section 122.006, Texas Health and Safety Code Requiring Gas Stations to Maintain One Door Open During Business Hours; Requiring the Posting of the Order Requiring Such Doors to Remain Open; Declaring an Emergency; Ratifying, Confirming, and Approving the Mayor's Order Number Two and the Actions Taken by the Mayor and Staff Pursuant to Such Order Requiring Gas Station Doors to Remain Open; Providing a Penalty of \$2000; and Providing for Related Matters

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

- Supplemental Emergency Agenda Item
- Ordinance
- Order.Gas.Station.Door.Closures.ver.1

**CITY OF KYLE  
SUPPLEMENTAL NOTICE OF EMERGENCY  
AGENDA ITEM**

US: (800) 336-8975; Meeting ID: 149 858

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 4:00 PM on March 23, 2020, at US: +1(800)336-8975 Meeting ID: 149 858 5592, for the purpose of discussing the following agenda.

Public notice is hereby given pursuant to the **Texas Open Meetings Act, Chapter 551** of the **Texas Government Code**, of the following imminent threat to public health and safety or reasonably unforeseeable situation necessitating this emergency addition to the agenda:

Because of the potential for loss of life and property to the residents of the City resulting from the introduction, transmission, spread or imminent threat of the same of the Coronavirus disease 2019 (also known as COVID-19), an emergency, urgent public necessity and imminent threat to public health and safety exists that requires immediate action of the City Council. Pursuant to Texas Government Code Section 551.041 and 551.045, notice is hereby given of a the emergency addition of the following agenda item to the meeting to be held on the date and by teleconference as stated above.

1. An Ordinance Adopted Pursuant to Section 122.006, Texas Health and Safety Code Requiring Gas Stations to Maintain One Door Open During Business Hours; Requiring the Posting of the Order Requiring Such Doors to Remain Open; Declaring an Emergency; Ratifying, Confirming, and Approving the Mayor's Order Number Two and the Actions Taken by the Mayor and Staff Pursuant to Such Order Requiring Gas Station Doors to Remain Open; Providing a Penalty of \$2000; and Providing for Related Matters

I certify the media was notified of the above meeting, in the manner required by §551.047 of the **Texas Open Meetings Act, Texas Government Code**.

I certify the above notice was posted on the bulletin board in the City of Kyle's municipal building, 100 W. Center Street, Kyle, Texas, on the 23<sup>rd</sup> day of March, 2020, at 2:00 P.M. [Notice for a meeting need not be posted on a physical or electronic bulletin board at a place convenient to the public in city hall because Tex. Gov't Code §551.050(b) is suspended. Thus, for *any meeting*, the City must provide notice at a minimum on its website. For a *non-emergency meeting*, the notice must be posted on its website at least 72 hours in advance of the meeting.]

By: *Jennifer Vetrano*

Name: Jennifer Vetrano  
City Secretary

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS ADOPTED PURSUANT TO SECTION 122.006, TEXAS HEALTH & SAFETY CODE REQUIRING GAS STATIONS TO MAINTAIN ONE DOOR OPEN DURING BUSINESS HOURS; REQUIRING THE POSTING OF THE ORDER REQUIRING SUCH DOORS TO REMAIN OPEN; DECLARING AN EMERGENCY; RATIFYING, CONFIRMING, AND APPROVING THE MAYOR'S ORDER NUMBER TWO AND THE ACTIONS TAKEN BY THE MAYOR AND STAFF PURSUANT TO SUCH ORDER REQUIRING GAS STATION DOORS TO REMAIN OPEN; PROVIDING A PENALTY OF \$2000; AND PROVIDING FOR RELATED MATTERS**

**WHEREAS**, on March 17, 2020, the Mayor of the City of Kyle issued a disaster declaration declaring a local state of disaster for the City of Kyle due to COVID-19 posing an imminent threat of disaster in the City;

**WHEREAS**, COVID-19 continues to spread and to pose an increasing, imminent threat of disaster throughout Texas; and

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) recommends an "All of Community" approach focused on slowing the transmission of COVID-19; and

**WHEREAS**, the CDC advises that current evidence suggests that COVID-19 may remain viable for hours to days on surfaces made from a variety of materials; and

**WHEREAS**, state and local authorities have issued orders to limit gatherings of individuals and to close certain locations and businesses where people gather to minimize the transmission of COVID-19; and

**WHEREAS**, the City is authorized by the City Charter to provide for the health, welfare, safety, and wellbeing of the City and all its inhabitants; and

**WHEREAS**, Section 122.006, Texas Health and Safety Code authorizes a home rule city to adopt rules to protect the health of persons in the City; and

**WHEREAS**, to provide for the public health and safety and to slow the transmission of COVID-19, it is reasonable and necessary to enact the measures set forth in this Order for certain businesses that remain open and serve a substantial number of customers; and

**WHEREAS**, this Ordinance was adopted by an affirmative vote of at least five members of the City Council;



**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:**

**Section 1. Emergency Declaration.** Pursuant to Section 4.07 of the City Charter, the City Council hereby finds and determines that an emergency exists, such emergency being the imminent threat to life, health, property, and public peace posed by the outbreak of COVID-19 and its effects.

**Section 2. Findings.** The above and forgoing recitals and those set forth in Section 1 are hereby found to be true and correct and are incorporated herein as finding of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

**Section 3. Gas Station Doors.** (a) For all gas stations where no automatic door is present, at least one door allowing entry for customers shall remain permanently open during business hours. Order Number 2 dated March 22, 2020 and the actions taken by the Mayor and City staff to give effect to Order No. 2 and this Ordinance are hereby confirmed, ratified, and approved.

(b) A statement of the requirements and Order No. 2 in in the form prepared by the City shall be posted at a prominent location in each gas station.

**Section 4. Penalty.** (a). Any person, manager, operator, or person in control of a gas station who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

(b) It is a violation of this Ordinance for any person to remove the statement posted pursuant to this Ordinance, unless authorized by a City official.

**Section 5. Effective Date and Effective Period of Ordinance.** This Ordinance is being adopted by one reading pursuant to Section 4.07 of the City Charter. This Ordinance is effective immediately. This ordinance shall be automatically repealed within sixty (60) days unless reenacted by the City Council.

**Section 6. Publication of Ordinance.** The City Secretary is hereby authorized and directed to cause the publication of the caption of this Ordinance in two successive issues of a newspaper of general circulation in the City.

**Section 7. Amendment Of Ordinances.** Prior adopted ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict for the period of time this ordinance is in effect. In the event of a conflict or inconsistency between this Ordinance and

any other code or ordinance of the city, the terms and provisions of this Ordinance shall govern.

**Section 8. Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

This Ordinance is hereby **PASSED AND APPROVED ON FIRST READING**, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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Travis Mitchell, Mayor  
City of Kyle, Texas

ATTEST:

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Jennifer Vetrano, City Secretary

**ORDER NUMBER 2 AND PROCLAMATION BY THE MAYOR  
OF THE CITY OF KYLE**

**WHEREAS**, on March 17, 2020, the Mayor of the City of Kyle issued a disaster declaration declaring a local state of disaster for the City of Kyle due to COVID-19 posing an imminent threat of disaster in the City;

**WHEREAS**, COVID-19 continues to spread and to pose an increasing, imminent threat of disaster throughout Texas; and

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) recommends an “All of Community” approach focused on slowing the transmission of COVID-19; and

**WHEREAS**, the CDC advises that current evidence suggests that COVID-19 may remain viable for hours to days on surfaces made from a variety of materials; and

**WHEREAS**, state and local authorities have issued orders to limit gatherings of individuals and to close certain locations and businesses where people gather to minimize the transmission of COVID-19; and

**WHEREAS**, to provide for the public health and safety and to slow the transmission of COVID-19, it is reasonable and necessary to enact the measures set forth in this Order for certain businesses that remain open and serve a substantial number of customers;

**NOW THEREFORE, I, MAYOR OF THE CITY OF KYLE, TEXAS, PURSUANT TO THE AUTHORITY VESTED IN ME BY TEXAS GOVERNMENT CODE CHAPTER 418 AND THE CITY CHARTER HEREBY FIND, ORDER, AND PROCLAIM THAT:**

**Section 1.** The findings and recitations set out in the preamble to this Order are found to be true and correct and they are hereby adopted and made a part hereof for all purposes.

**Section 2.** Effective as of \_\_\_\_\_ .m. on March 22, 2020, and continuing until 11:59 p.m. April 5, 2020, it hereby ORDERED that, for all gas stations where no automatic door is present, at least one door allowing entry for customers shall remain permanently open during business hours.

**Section 3.** The City will post this Order on its website and Order shall be widely advertised to help accomplish the public health and safety objectives of the City of Kyle. In addition, a notice in a form prepared by the City shall be posted by the owner, manager, or operator of any facility that is subject to this Order on the front door of the facility at all times that this Order is in effect.

**Section 4.** 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.

Ordered and proclaimed this the 22<sup>nd</sup> day of March, 2020, in the City of Kyle, Texas.

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Travis Mitchell, Mayor  
City of Kyle, Texas

Attest:

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Jennifer Vetrano, City Secretary