AMENDED (11/20/2020 8:30 a.m.)

AMARILLO CITY COUNCIL REGULAR MEETING VIA VIDEO CONFERENCE NOTICE IS HEREBY GIVEN IN ACCORDANCE WITH ORDER OF THE OFFICE OF THE GOVERNOR ISSUED MARCH 16, 2020.

A REGULAR MEETING OF THE AMARILLO CITY COUNCIL TO BE HELD ON FRIDAY, NOVEMBER 20, 2020 AT 3:00 P.M., CITY HALL, 601 SOUTH BUCHANAN STREET, COUNCIL CHAMBER ON THE THIRD FLOOR OF CITY HALL, AMARILLO, TEXAS BY VIDEO CONFERENCE (IN ORDER TO ADVANCE THE PUBLIC HEALTH GOAL OF LIMITING FACE-TO-FACE MEETINGS ALSO CALLED "SOCIAL DISTANCING" TO SLOW THE SPREAD OF THE CORONAVIRUS (COVID-19)). THERE WILL BE NO PUBLIC ACCESS TO THE LOCATION DESCRIBED ABOVE.

City Council Mission: Use democracy to govern the City efficiently and effectively to accomplish the City's mission.

This Agenda, and the Agenda Packet, are posted online at:
https://www.amarillo.gov/city-hall/city-government/city-council

The video meeting is hosted through Zoom. The meeting is broadcast on the City's website at: www.amarillo.gov. The Zoom link to join the meeting is: https://amarillo.zoom.us/j/92245491305 **and the conference bridge number for Zoom is: Telephone #** +1 346 248 7799 **when prompted for meeting ID enter:** 922 4549 1305. **All callers will be muted for the duration of the meeting.**

This meeting will be recorded and the recording will be available to the public in accordance with the Open Meetings Act upon written request.

Please note: The City Council may take up items out of the order shown on any Agenda. The City Council reserves the right to discuss all or part of any item in an executive session at any time during a meeting or work session, as necessary and allowed by state law. Votes or final decisions are made only in open Regular or Special meetings, not in either a work session or executive session.

PUBLIC ADDRESS

(For items on the agenda for City Council consideration)
The public will be permitted to offer public comment on agenda items. Public Address signup times are available from Wednesday 12:00 p.m. until Friday 12:45 p.m. at https://www.amarillo.gov/departments/city-manager/city-secretary/public-address-registration-form or by calling the City Secretary's office at (806) 378-3014. Please call in at 3:00 p.m. at **Telephone #** +1 346 248 7799 **when prompted for meeting ID enter:** 922 4549 1305.

SPECIAL MEETING AGENDA

1. **NON-CONSENT ITEMS**:

   A. **PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 7893**:
   (Contact: Jared Miller, City Manager)
   This item is a public hearing and first reading to consider an ordinance declaring a site that fails to meet certain minimum standards designed to prevent the transmission of COVID-19 as a public nuisance.

Amarillo City Hall is accessible to individuals with disabilities through its main entry on the south side (601 South Buchanan Street) of the building. An access ramp leading to the main entry is located at the southwest corner of the building. Parking spaces for individuals with disabilities are available in the south parking lot. City Hall is equipped with restroom facilities, communications equipment and elevators that are accessible. Individuals with disabilities who require special accommodations or a sign language interpreter must contact the City Secretary's Office 48 hours prior to meeting time by telephoning 378-3013 or the City TDD number at 378-4229.

Posted this 17th day of November 2020.

Regular meetings of the Amarillo City Council stream live on Cable Channel 10 and are available online at:
http://amarillo.gov/city-hall/city-government/view-city-council-meetings
Archived meetings are also available.

ORDINANCE NO. 7893

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: SETTING STANDARDS DESIGNED TO PREVENT THE TRANSMISSION OF COVID-19 AS A PUBLIC NUSIANCE; AUTHORIZING CIVIL AND CRIMINAL ENFORCEMENT; AND DECLARING AN EMERGENCY MEASURE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, Coronavirus (COVID-19) is a virus that spreads mainly between people who are in close contact with one another (within about 6 feet) through respiratory droplets produced when an infected person speaks, sings, coughs, or sneezes; and it also may be possible that a person can get COVID-19 by touching a surface that has the virus on it and then touching their own mouth, nose, or possibly their eyes; and

WHEREAS, Significant percentage of individuals with the COVID-19 virus lack symptoms, which means an infected person can transmit the virus to others before showing any symptoms; and

WHEREAS, Beginning on March 18, 2020, Mayor Ginger Nelson issued a Declaration of Local Disaster that allows the City to take measures to reduce the possibility of exposure to COVID-19 virus and promote the health and safety of Amarillo residents; and

WHEREAS, Beginning on March 13, 2020, Governor Greg Abbott issued a State Declaration of Disaster to prepare for, respond to, and mitigate the spread of COVID-19 viral pandemic, to protect the health and welfare of all Texans; and

WHEREAS, Section 341.011 of the Texas Health and Safety Code declares an object, place, or condition that is a possible and probable medium of disease transmission in or between humans is a public health nuisance; and

WHEREAS, Section 122.006 of the Texas Health and Safety Code states that a home-rule municipality may adopt rules to protect the health of individuals in the municipality; and

WHEREAS, Section 121.003 of the Texas Health and Safety Code states that a home-rule municipality may enforce any law reasonably necessary to protect the public health; and

WHEREAS, the City Council finds that this ordinance is an emergency measure enacted in an effort to hinder the spread and/or transmission of COVID-19 virus and further promotes the public health, safety, welfare, and protection of citizens.

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

SECTION 1. The following code provisions are hereby adopted to read as follows:

COVID-19 PANDEMIC EMERGENCY MEASURES

I. -Definitions. In this ordinance, the following definitions apply:

(1) COVID-19 means the pandemic that is the subject of a Local Disaster Declaration.

(2) FACE COVERING means a mask or other covering that fits snugly over an individual's nose and mouth, such as a commercially made or homemade fabric mask, scarf, bandana, handkerchief, or shield.

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(3) GENERAL EMPLOYEE HEALTH PRE-SCREENING means: the act of a person engaging persons entering a site by (a) asking questions intended to find out whether a worker is experiencing symptoms or has been exposed to someone with COVID-19; (b) reiterating public health requirements; and (c) checking face coverings.

(4) HAND SANITIZER means a liquid or gel consisting of at least 60% alcohol and which is generally used to decrease infectious agents on the hands.

(5) HIGH TOUCH ITEM means an object, surface, tool, equipment, fixture, that is touched by human hands multiple times a day.

(6) MAINTAINS means to own, operate, manage, or oversee a business site.

(7) MINIMUM STANDARD means a standard set forth in Section IV of this ordinance.

(8) PERSON IN CONTROL means a person who maintains a site.

(9) SITE means property used for a business purpose. A site does not include: (a) property of another governmental entity; (b) property where medical services are provided; (c) property where a childcare program operates; or (d) residential dwelling unit.

(10) VULNERABLE INDIVIDUAL means an individual who: (a) is 65 years old and older; or (b) has certain health conditions such as heart disease, lung disease, diabetes, kidney disease, Human Immunodeficiency Virus (HIV), Acquired Immune Deficiency Syndrome (AIDS), or a weakened immune system; or (c) as otherwise diagnosed or identified by a licensed physician as being vulnerable for purposes of pandemic management.

(11) WORKER means an employee, independent contractor, subcontractor, or other similar agent present at a site.

II. -Criminal Offense and Public Nuisance

A. A site that does not follow the minimum standards established in this ordinance is a public health nuisance because it is a place or condition that is a possible and probable medium of COVID-19 transmission in or between humans.

B. It is an offense for a person to maintain a public nuisance by failing or refusing to maintain a site in compliance with the minimum standards stated in Section IV.

C. It is presumed that a person who maintains a site that does not comply with the minimum standards, after the person has been given a written warning or notice of violation of those minimum standards, has acted with reckless intent per Section 1-1-6 of the Amarillo Municipal Code.

D. An offense under this section is deemed to be a health and safety violation for purposes of setting a fine under Sec. 1-1-5 of the Amarillo Municipal Code.

III -Applicability.

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(A). This ordinance applies to a site when 10 or more individuals are present at any one time. This count includes the person in control, any workers, and customers or other persons.

(B). This ordinance shall be applicable only when the Amarillo Area Coronavirus (COVID-19) Status Level has reached an alert status of RED or ORANGE.

IV. - Minimum Standards.

(A) A person in control of a site shall:

(1) require each individual to wear a face covering except as provided in Subsection (B) below;

(2) clean and disinfect high touch items at least every four hours each day;

(3) post a notice at each entrance stating that face covering is required. Sign must be not less than 8.5 inches by 11 inches and the text in not less than 78 point font, in English and may also be in any other language that may be desired by the person maintaining the site.;

(4) limit the number of individuals who gather or stand together to 10 or less;

(5) require at least six feet of distance between individuals or groups of associated individuals;

(6) conduct a general health pre-screening of each worker every day before the worker begins his or her work shift;

(7) post one sign in English and one sign in Spanish (or other language appropriate in the neighborhood or clientele) where information for workers is customarily posted that explains the requirement to remain at least six feet apart and the requirement to wear a face covering;

(8) provide single use disposable paper towels and receptacle; and

(9) mandate workers wash their hands for at the following times: (a) before workers begin work; (b) after workers remove gloves; (c) before and after the use of high touched items; (d) before and after any meal or restroom breaks; and (e) after a worker's shift ends; and

(10) for workers confirmed to have contracted COVID-19, follow all directions from Amarillo Public Health concerning that worker and other persons who may have come in contact with the infected worker.

(B) Face Covering Exceptions. A face covering is not required for:

(1) any person younger than 10 years of age;

(2) any person with a medical condition or disability that prevents wearing a face covering;

(3) any person while the person is eating or drinking, or is seated to eat or drink;

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(4) any person who is: (a) engaged in exercising outdoors or engaging in physical activity outdoors and (b) maintaining a safe distance from others not in the same household;

(5) any person while the person is driving alone or with passengers of the same household as the driver;

(6) any person who is required to temporarily remove the face covering for security surveillance, screening, identification, or with the need for specific access to the full face;

(7) any person while the person is in a swimming pool, lake, or similar body of water.

(8) any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election;

(9) any person who is actively providing or obtaining access to religious worship or rites;

(10) any person while the person is giving a speech, lesson, or message for a broadcast or to an audience;

(11) any person while temporarily removing the face covering as necessary for communication by or with a person who is hearing impaired; or

(12) any person who is alone, or in the presence of only members of the same household or residence, in a space not accessible to the public, and not in an indoor common area of a site.

V. -Civil Enforcement.

(A) The environmental health officer may request the city attorney to enforce this ordinance through a civil suit filed in district court for injunctive relief that:

(1) requires specific conduct necessary to abate the public health nuisance; and

(2) prohibits specific conduct that constitutes a public health nuisance.

(B) The city attorney shall independently review the request to determine if a prosecutable case exists in the best interests of the public and justice. The city attorney is authorized to retain outside counsel as overall departmental workload and demands may necessitate, in order to provide timely enforcement. A request does not obligate the city attorney to file a suit.

(C) The City Council approves the filing of a civil suit described herein and retaining outside counsel as may be needed.

VI. -Assisting the City Public Health Department.

The City Manager may designate and train one or more city departments to assist the environmental health department with administering, implementing, and enforcing this ordinance, including providing written notices that describe how the site fails to comply with the minimum standards set forth in this ordinance.

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SECTION 2. Repealer. All ordinances, parts of ordinances resolutions and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 3. Penalty. A violation of this ordinance is a health and safety offense punishable in accordance with Section 1-1-5(b) of this code of ordinances.

SECTION 4. Declaration, Publishing, and Effective Date. The COVID-19 pandemic jeopardizes public health and safety of individuals within the City. Thus, the City Council declares this ordinance an emergency measure and accordingly this ordinance shall become effective on the First Reading upon passage by unanimous vote of the Council per the Amarillo City Charter and shall take effect the day following first publication for the preservation of the public peace, health, and safety of all citizens.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading only by a unanimous vote of the City Council as an emergency measure in accordance with Amarillo City Charter, Art. V, Secs. 15 & 16, on this the 20th day of November, 2020.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, this the 20th day of November, 2020; and PASSED on Second and Final Reading the _____day of _____, 20____.

_____
Ginger Nelson, Mayor

ATTEST:

_____
Frances Hibbs, City Secretary

APPROVED AS TO FORM

_____
Bryan S. McWilliams, City Attorney

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