

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On 23rd day of November 2020, the Amarillo City Council met at 11:00 a.m. for a special meeting held via conference and in the Council Chamber located on the third floor of City Hall at 601 South Buchanan Street, with the following members present:

MAYOR GINGER NELSON
ELAINE HAYS
FREDA POWELL
EDDY SAUER
HOWARD SMITH

MAYOR
COUNCILMEMBER NO. 1
COUNCILMEMBER NO. 2
COUNCILMEMBER NO. 3
MAYOR PRO TEM/COUNCILMEMBER NO. 4

Absent were none. Also in attendance were the following administrative officials:

JARED MILLER
KEVIN STARBUCK
FLOYD HARTMAN
LAURA STORRS
BRYAN MCWILLIAMS
STEPHANIE COGGINS
FRANCES HIBBS

CITY MANAGER
DEPUTY CITY MANAGER
ASSISTANT CITY MANAGER
ASSISTANT CITY MANAGER
CITY ATTORNEY
ASSISTANT TO THE CITY MANAGER
CITY SECRETARY

Mayor Nelson asked for a moment of silence for the recent passing of Judge Ernie Houdashell.

Mayor Nelson established a quorum, called the meeting to order, welcomed those in attendance and the following items of business were conducted:

PUBLIC ADDRESS:

Claudette Smith, 7606 Cervin Drive, stated the ordinance is potentially dangerous and has been reported to Texas Attorney General for review. She stated masks destroy businesses and the economy. Council should not be forcing business owners to be against their customers. She stated the consensus on Friday indicated the majority of the people were against this ordinance. She further stated local government was overstepping their boundaries. Mike Fisher, 4410 Van Kriston Drive, stated Council does not care about citizens with COVID. Cheryle Cooper, stated she was firmly against the ordinance. She stated not one person had mentioned the survivability rate or building of the immune system. Patty Schniederjan, stated she agreed with Ms. Smith and Ms. Cooper. She stated they should not be forcing something against the will of the people and Council was taking advantage of their powers. Colin Cummins, stated if only half the employees in a business are wearing a mask he does not support the business. He is in support of this ordinance. Masks have shown to work but there is a need for a greater compliance. His business, Yellow Street Food has complied with the Governor's orders. Steve Pair, voiced his support of this ordinance. He stated the community comes together when things get tough. Now, healthcare needs our help and they are asking for the Council's assistance. Dr. William Biggs, 1215 South Coulter, Amarillo Medical Specialists, stated lives are in the balance on the decisions made today. There is an explosion of patients coming into the hospitals. The hospitals are going from bad to worse, and there is a need for ICU beds, and beds may not be available. Many patients will die or suffer. Until there is a vaccine we need to impose wearing masks because the next few months will be difficult. We can do better, pulling all of Amarillo together. He encouraged Council to mandate mask wearing and the wisdom to understand the need. Josh Knapp, 2 Cambridge Road, inquired why the fines were so high, and what if the business could not pay the fine. He stated he understood the gravity of the situation, but not the ordinance. He stated business owners have not been approached to help with compliance. He further stated the need to launch a campaign and placing of signs. He believed people want to help, but do not like interference and being forced to mandate. Michael Ford, inquired what version of the ordinance Council was considering. He stated he sent Council a seven page letter. He further stated wearing or not wearing a mask has never been conclusive that they will save lives. Tolk Persons, encouraged Council to pass this ordinance for health and safety reasons. He stated the ordinance was not a government overreach, and was no

different than other laws, requiring a business to enforce a rule. Randy _____, 7811 Tarter, stated by passing this ordinance it would damage businesses. A virus has overthrown our liberty. People should be free to choose how to conduct their lives. He further stated Council was unfit to rule. Dr. Reg Martin, stated he currently serves as the medical director. The community is currently seeing a massive increase in the number of positives cases for COVID. The ICU rooms and every ventilator are being used. Masks decrease the spread of airborne viruses. He encouraged passing of this ordinance. Take care of this community. Wearing a mask is a selfless thing an individual can do to effect this change. There were no further comments. Signed up but did not appear: Marcus Rogers, 16801 Dove Prairie Road, Ricky _____, Jimmy _____, Kit Rudd, 6850 Grande.

NON-CONSENT ITEMS:

ITEM 3A: Mayor Nelson presented the second and final reading of an ordinance declaring a site that fails to meet certain minimum standards designed to prevent the transmission of COVID-19 as a public nuisance. This item was presented by Jared Miller, City Manager.

Mr. McWilliams stated the Governor's mandate GA29 is for each person. This ordinance is for enforcement of State law which has been on the books for decades. It minimizes the transmission of this highly communicable disease. All persons have been asked to follow GA29 for months. This ordinance puts those measureable standards in place to minimize transmission. Mayor Nelson inquired how the fine amount was derived. Mr. McWilliams stated under Chapter 54.004, of the Local Government Code, a homerule city's fine, that does so is a safety matter, cannot exceed \$2,000. Council is free to lower the fine. This just sets the maximum amount. Mayor Nelson inquired who sets the amount. Mr. McWilliams replied the amount would be set by a judge in court. Mayor Nelson inquired what would happen if a person could not pay the fine. Mr. McWilliams replied it would be handled the same as a traffic ticket, discussed in court, and there are numerous options for which to pay depending on the ability to pay. Motion was made that the following captioned ordinance be passed second and final reading by Councilmember Powell, seconded by Councilmember Sauer:

ORDINANCE NO. 7893

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AN ORDINANCE DECLARING A SITE THAT FAILS TO MEET CERTAIN STANDARDS DESIGNED TO PREVENT THE TRANSMISSION OF COVID-19 AS A PUBLIC NUISANCE; AUTHORIZING CIVIL AND CRIMINAL ENFORCEMENT; AND DECLARING AN EMERGENCY MEASURE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Councilmember Hays stated she was trying to make the best possible decision. The goal of this ordinance is to increase compliance in hopes to reduce the number of cases, and reduce the strain on the hospitals. The first step is to raise awareness. The City has been dealing with COVID for many months, and we now have the citizens' attention, which we did not have before. She commented on the video the hospitals have prepared, and stated it is very effective and raises awareness on what is going on in our city. She is concerned this ordinance will increase resistance. She stated she supports wearing a mask and supports healthcare workers, but the ordinance misdirects and is punitive to businesses. Councilmember Powell stated the healthcare system is on the brink, and they have heard from medical professionals and they are not being able to take care of everyone. City Council is called to lead in this situation, more so than any other situation they have faced. Council needs to do all they can to limit the virus. They have pleaded with the citizens and some are still not all wearing masks. The City has lost more than 250 people, friends and neighbors to COVID. Wearing a mask is a small price to pay and it gives our healthcare workers a break. She further stated it is time to step up and lead. She also gave her condolences to Judge Houdashell's family. Councilmember Sauer stated this has been the toughest decision he has had to be a part of. He stated small businesses are important and they are the life of the community. The healthcare community has been ravaged. Mayor Nelson declared an emergency declaration on March 18, five days after Governor Abbott. He stated the need for help however it can be done. There is no intention of

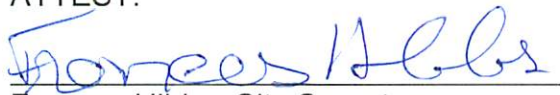
punitive damages, but we are in desperate times and in need of desperate help. Each one of us can do more. We are at a critical crossroads. Councilmember Smith stated he agreed with Councilmember Sauer. He has spoke with a lot of people, and received a lot of emails, but his personal opinion has not changed since Friday. Every person has a right to vote their own conscious. We have an emergency, what we have been doing has not worked. Hopefully, the vaccines will be available soon, but it may take months, and there is a need to do something now. Mayor Nelson stated she also agreed with Councilmember Sauer. This is a crisis, and it needs immediate action from us. Staff has been having weekly press conferences, and they have been handing out signs since March. We have gotten the attention of the people, we know the problem is real and dire. This ordinance is all about helping the hospitals. Helping medical workers who have been working hard over the last eight months. It is difficult to ask businesses to do more than they have been doing, but this ordinance is asking businesses to post signs and ask people to wear masks. This ordinance is not asking businesses to enforce wearing a mask. There is a priority for your employees to be wearing masks. This ordinance comes out of the state statute. This ordinance will benefit hospital workers and each one of us will have access to healthcare, if needed. It was been brought up that this ordinance might be unconstitutional or illegal. Mr. McWilliams replied this ordinance is legal and constitutional, and has been utilized for decades before this pandemic to effectuate a possible contradiction having to do with diseases. It is within the bounds of homerule city powers. Mayor Nelson urged every citizen to help our hospital workers.

Mayor Nelson called for a vote on this motion

Voting AYE were Mayor Nelson, Councilmembers Powell, Smith and Sauer; voting NO was Councilmember Hays; the motion carried by a 4:1 vote of the Council.

Mayor Nelson closed the meeting.

ATTEST:



 Frances Hibbs, City Secretary



 Ginger Nelson, Mayor