

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 29th day of March 2016, the Amarillo City Council met at 3:00 p.m. for a work session, executive session, and the regular session held at 5:00 p.m. in the Council Conference Room and Council Chamber located on the third floor of City Hall at 509 Southeast 7th Avenue, with the following members present:

PAUL HARPOLE
ELISHA L. DEMERSON
RANDY BURKETT
MARK NAIR

MAYOR
COUNCILMEMBER NO. 1
COUNCILMEMBER NO. 3
COUNCILMEMBER NO. 4

Absent was Councilmember Brian Eades. Also in attendance were the following administrative officials:

TERRY CHILDERS
MICK MCKAMIE
KELLEY SHAW
FRANCES HIBBS

INTERIM CITY MANAGER
CITY ATTORNEY
PLANNING DIRECTOR
CITY SECRETARY

The invocation was given by Kevin Deckard, Polk Street United Methodist Church. Mayor Harpole led the audience in the Pledge of Allegiance.

A proclamation was presented for Autism Awareness Month.

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

ITEM 1: Mayor Harpole presented the minutes for March 22, 2016. Motion was made by Councilmember Burkett to approve the minutes; motion was seconded by Councilmember Demerson, and unanimously carried to approve the minutes.

ITEM 2: Mayor Harpole presented an ordinance amending the Amarillo Municipal Code, Chapter 10-3, Article IV, Section 10-3-45 prohibiting camping on municipal facilities and publicly owned property. Mr. McKamie gave an overview of Ordinance No. 7596 which will replace Ordinance No. 7333 after its adoption. He stated the ad hoc subcommittee had met several times and has created an additional taskforce to address issues outside the scope of the ordinance. Mr. McKamie stated amendments were added if temporary shelters were full; the potential future impacts of HUD funds were considered; and clarifying and providing more specific definition of terms. It also defines the hours from 12:00 midnight to 5:00 a.m. which are the same times as the park curfew ordinance. The offenses and penalty provisions were not changed. The Legal Department recommended approval of Ordinance No. 7596.

Mr. James Allen stated the shelters work together during weather events and the City has additional overflow capacity which were used during Hurricane Katrina. Councilmember Burkett inquired if there were enough beds for all the homeless. Mr. Allen answered there were based on the homeless count. He further stated many chose not to use the shelters. Councilmember Demerson inquired if there was a night-by-night or week-by-week count to know how many beds were available and where they were located. Mr. Allen stated a police officer could quickly call or visit the shelters to determine availability. Mr. Allen further stated there have not been weather events that the shelters were not able to handle. The police have a special outreach team capable of handling the mental or substance abuse homeless. Mr. McKamie suggested to Council that they rely on the official shelter reports and how they are maintained. Councilmember Burkett inquired if blankets were an infraction of law. Mr. McKamie replied they never were.

Trina Fournier, 4427 South Hayden Street, inquired as to the affirmative defense. Mr. McKamie stated in the original ordinance it was an 'exception' and an 'affirmative defense' is based on the availability of shelters which can be modified based on shelter numbers. Ms. Fournier inquired as to the threshold on weather conditions. Mr. Allen stated that shelters work with the Emergency Operations Center (EOC) when they see weather patterns and develop strategies. Chris Searight, 1903 Beech Street, encouraged the Council not to rush on the amendment decisions and that there are a number of reasons why people do not go to shelters. Shawn Bullard, 3801 Paramount Street, stated the ordinance should not be tied to the available beds, but question why the beds are not filled. Hanna Huff, 1007 20th Avenue, Canyon, stated being inside creates a sense of safety and there should be no minimum requirement for camping. Mr. McKamie stated there is no minimum requirement for camping. Carolyn Thornton, 4501 Southwest 45th Avenue, stated on weather nights some go to shelters, but some will not and they are not able to go to shelters after 10:00 p.m. Rusty Tomlinson, 5700 Canyon Drive, #22, stated there are many stories as to why people cannot go to shelters and the City should be looking for those solutions.

Allen Finegold, 2601 North Grand Street, stated there needed to be a solution to people not wanting to go into shelters or that they cannot get into shelters. He suggested a city campground or shelter. Terry Tucker, 7865 Canyon Drive, stated the answer is not an ordinance but working towards solutions and outreach services the homeless may qualify for. Sara Searight, 1903 Beech Street, inquired if the Council was aware that after a certain amount of time shelters charge the homeless. Virginia Williams-Trice, 1504 Bowie Street, also stated after a certain amount of time the homeless are kicked out if they cannot pay. She also stated many are on lists and cannot get into shelters. John Anston, 4247 Southwest 15th Avenue, inquired if there was no jail time what was the purpose of the ordinance. Mayor Harpole replied the ordinance allowed the police to address community concerns expressed by citizens in neighborhoods. Mr. McKamie stated the ordinance is enforced with voluntary compliance and by warnings. Mr. Anston stated if the ordinance was to clean the streets of homeless, the ordinance has failed. Andrew Holley, West 51st Avenue, inquired as to the legal difference between exception and defense. Mr. McKamie stated in trial a prosecutor must prove an exception. Motion was made by Councilmember Nair to table this item, seconded by Councilmember Burkett, and the following captioned ordinance was tabled:

ORDINANCE NO. 7596

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 10-3, ARTICLE IV, SECTION 10-3-45 PROHIBITING CAMPING ON MUNICIPAL FACILITIES AND PUBLICLY OWNED PROPERTY AND PROVIDING AFFIRMATIVE DEFENSES; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Voting AYE were Councilmembers Demerson, Burkett and Nair; Voting NO was Mayor Harpole; the motion carried by a 3:1 vote of the Council.

ITEM 3: Mayor Harpole presented an ordinance rezoning a 3.80 acre tract of land in Section 63, Block 9, BS&F Survey, Randall County, Texas, plus one-half of all bounding streets, alleys and public ways, to change from Agricultural District, Planned Development District 373A, and Planned Development 373B to amended planned development for indoor recreational use, in the vicinity of Chatham Square and McKenna Square. Motion was made by Councilmember Burkett, seconded by Councilmember Nair, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7591

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF AMARILLO, TEXAS; PROVIDING FOR CHANGE OF USE DISTRICT CLASSIFICATION OF SPECIFIED PROPERTY IN THE VICINITY OF CHATHAM SQUARE AND MCKENNA SQUARE, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Burkett and Nair; Voting NO were none; the motion carried by a 4:0 vote of the Council.

ITEM 4: Mayor Harpole presented an ordinance rezoning a 39.68 acre tract of unplatted land in Section 153 and 172, Block 2, AB&M Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agricultural District to Light Industrial District. Motion was made by Councilmember Nair, seconded by Councilmember Burkett, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7592

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF AMARILLO, TEXAS; PROVIDING FOR CHANGE OF USE DISTRICT CLASSIFICATION OF SPECIFIED PROPERTY IN THE VICINITY OF SOUTHEAST 34TH AVENUE AND TRADEWIND STREET, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Burkett and Nair; Voting NO were none; the motion carried by a 4:0 vote of the Council.

ITEM 5: Mayor Harpole presented an ordinance rezoning of a 37.39 acre tract of land out of Section 65, Block 9, BS&F Survey, Randall County, Texas, plus one-half of all bounding streets, alleys and public ways, to change from Agricultural District to Residential District 2, in the vicinity of Soncy Road/Loop 335 and Heritage Hills Parkway. Motion was made by Councilmember Burkett, seconded by Councilmember Nair, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7593

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF AMARILLO, TEXAS; PROVIDING FOR CHANGE OF USE DISTRICT CLASSIFICATION OF SPECIFIED PROPERTY IN THE VICINITY OF SONCY ROAD/LOOP 335 AND HERITAGE HILLS PARKWAY, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Burkett and Nair; Voting NO were none; the motion carried by a 4:0 vote of the Council.

ITEM 6: Mayor Harpole presented an ordinance rezoning Lot 7, Block 38, Grandview Addition Unit No. 11, Section 139, Block 2, AB&M Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Residential District 1 to Residential District 1 with a Specific Use Permit for a carport. Motion was made by Councilmember Burkett, seconded by Councilmember Nair, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7594

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF AMARILLO, TEXAS; PROVIDING FOR CHANGE OF USE DISTRICT CLASSIFICATION OF SPECIFIED PROPERTY IN THE VICINITY OF SOUTHEAST 34TH AVENUE AND BRONWING STREET, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Burkett and Nair; Voting NO were none; the motion carried by a 4:0 vote of the Council.

ITEM 7: Mayor Harpole presented an ordinance rezoning a 1.49 acre tract of land in Section 65, Block 9, BS&F Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agricultural District to General Retail

District. Motion was made by Councilmember Demerson, seconded by Councilmember Nair, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7595

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF AMARILLO, TEXAS; PROVIDING FOR CHANGE OF USE DISTRICT CLASSIFICATION OF SPECIFIED PROPERTY IN THE VICINITY OF SONCY ROAD/LOOP 335 AND HERITAGE HILLS PARKWAY, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Burkett and Nair; Voting NO were none; the motion carried by a 4:0 vote of the Council.

ITEM 8: Mayor Harpole presented a resolution in support to create a Cultural District in Amarillo as requested by Center City. The Amarillo Cultural District will include downtown Amarillo, Amarillo College Washington Street Campus, Amarillo Little Theatre/ Wolflin area, Sunset Center Art Galleries, and Historic Route 66. Beth Duke, Executive Director, Center City, stated Center City has been working on getting a Cultural District for the past 18 months. There are \$4.5 million in grants that can be applied for by Cultural Districts. Councilmember Demerson stated he was in support of a Cultural District but questioned the boundaries absent of diversity. Ms. Duke stated they mapped the more dense impact of cultural entities. She further stated boundaries can be reviewed after designation every ten years. Councilmember Burkett inquired if other areas could be part of this Cultural District. Ms. Duke replied that other areas could be their own district or the boundaries could be expanded. Motion was made by Councilmember Nair, seconded by Councilmember Burkett, that the following captioned resolution be passed:

RESOLUTION NO. 03-29-16-1

A RESOLUTION AUTHORIZING CERTIFICATION OF A CULTURAL DISTRICT FOR AT LEAST TEN (10 YEARS TO BE NAMED: AMARILLO CULTURAL DISTRICT.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Burkett and Nair; Voting NO were none; the motion carried by a 4:0 vote of the Council.

ITEM 9: Floyd Hartman, Director of Capital Improvements Projects, provided an update on the status of the Wastewater Collection Improvements for West of Soncy Boulevard from South 45th Avenue North of Interstate 40. He stated the sewer main extension from Hillside Road to I-40 west of Soncy Road was 3.2 miles of 10"-30" pipe with a final contract amount of \$3,028,872.00 with outside participation of \$1,000,000.00 from Sam's Real Estate Business Trust. Mr. Hartman introduced Monty Taylor of Amarillo Utility Contractors, Inc.

ITEM 10: Mayor Harpole presented the consent agenda and asked if any item should be removed for discussion or separate consideration. There were none. Councilmember Burkett inquired about the price per acre on Item E compared to prior purchases and the price per acre. Mr. Hartman replied it was a total of 172 acres, about \$1,100 per acre which is higher than in the past because of the smaller area but it would be a positive on permitting and the location of Welfield No. 518. Councilmember Nair asked for clarification on Item H. Michelle Bonner stated these properties were bid for less than the taxes owed on them. They require approval of the taxing entities. Motion was made by Councilmember Nair to approve the consent agenda, seconded by Councilmember Burkett.

- A. Purchase – Network Security Equipment:
Award on Texas Department of Information Resources (DIR) Cooperative Purchasing Contract to: Solid Border, Inc. -- \$464,444.00

This item approves the purchase of network security hardware and related licensing, implementation, support, and staff training to provide network threat assessment, detection and prevention, forensic analysis

capabilities, and Internet content filtering across all segments of the City's IT network infrastructure.

- B. Award - Dell Computer Hardware:
Dell -- \$67,954.86

The purchase is part of the ongoing IT computer replacement schedule, and new equipment requested by departments during the 2015 fiscal year budget process.

- C. Award – Server Hardware Implementation:
Presidio Networked Solutions Group, LLC -- \$80,916.96

This contract is for professional consulting services to configure previously procured Cisco server hardware and provide related software licensing. The resulting solution will utilize virtualization technology to help modernize and consolidate the City's server infrastructure.

- D. Award – Storm Sewer Repairs in Willow Street at 43rd Avenue and 40th Avenue and the Intersection of Southeast 34th Avenue and Grand Street:
Williams Ditching, LLC -- \$151,380.25

This item is to approve the contract for the storm sewer repairs in Willow Street at 43rd Avenue and 40th Avenue and the intersection of Southeast 34th Avenue and Grand Street. This project will consist of the removing and replacing of collapsed storm sewer pipe in Willow Street and repairs in the 34th Avenue and Grand Street intersection. Funding for this project was approved utilizing the Drainage Utility E&I Fund.

- E. Award of Contract- Purchase Groundwater Rights:
The Contract, in the amount of \$198,360, is for the purchase of groundwater rights to add acreage in proximity of the City owned Well #518 to the Potter Country Well Field Permit. This purchase will be in compliance with Panhandle Groundwater Conservation District rules.

- F. Approval – Amendment #4, Lease Agreement: Rick Husband Amarillo International Airport: Lessee: Bell Helicopter Textron:
Lease Rate: \$1.00/sf/year, with rent abatement of 10% of Building 602 up to \$20,000 (of actual costs) for the upgrade and modification of bunker to bring it into U. S. Department of Defense Unified Facilities Criteria 4-420-01 for Ammunition and Explosives Storage Magazines.

- G. Dedications and Acceptances:

Dedication of a 10-foot Southwestern Public Service Company (SPS) electrical easement in Section 140, Block 2, AB&M Survey, Randall County for electrical service to service to serve Animal Management & Welfare's new feline facility/storm shelter as well as future expansion of facilities.

- H. Sale – Properties:
Sheriff Sale Properties in Potter County.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Burkett and Nair; Voting NO were none; the motion carried by a 4:0 vote of the Council.

Mayor Harpole announced that this is the end of the regular agenda, but this time is reserved to hear from any citizen concerning matters pertaining to City policies, programs or services not on today's agenda. The public forum is set under the Open Meetings Act and that during the public forum the City Council can respond with a statement of fact, a statement of City policy or decide whether to place an item on a future agenda.

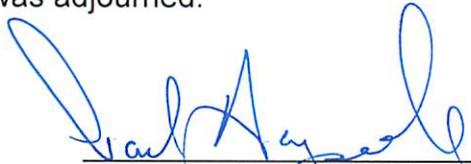
Jim Lowder, 6723 Emerald Court, stated that no one had mentioned the homeless ordinance was protection for homeowners. Allen Finegold, 2601 North Grand Street, asked the City Attorney to address the difference between a binding and nonbinding referendum. Mr. McKamie stated there was no provision by state law for a binding election. Mr. Finegold stated another option to the ballpark would be an indoor stadium. There were no further comments.

Mayor Harpole advised that the meeting was adjourned.

ATTEST:



Frances Hibbs, City Secretary



Paul Harpole, Mayor