

STATE OF TEXAS  
COUNTIES OF POTTER  
AND RANDALL  
CITY OF AMARILLO

On the 6th day of March 2018, the Amarillo City Council met at 3:00 p.m. for a work session, and the regular session was held at 5:00 p.m. in the Council Chamber located on the third floor of City Hall at 509 Southeast 7th Avenue, with the following members present:

GINGER NELSON  
ELAINE HAYS  
FREDA POWELL  
EDDY SAUER  
HOWARD SMITH

MAYOR  
COUNCILMEMBER NO. 1  
COUNCILMEMBER NO. 2  
COUNCILMEMBER NO. 3  
COUNCILMEMBER NO. 4

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

JARED MILLER  
MICHELLE BONNER  
MICK MCKAMIE  
ANDREW FREEMAN  
FRANCES HIBBS

CITY MANAGER  
DEPUTY CITY MANAGER  
CITY ATTORNEY  
ECONOMIC DEVELOPMENT MGR.  
CITY SECRETARY

The invocation was given by Pastor Steve Martin, Jenkins Chapel Baptist Church. Councilmember Powell led the audience in the Pledge of Allegiance.

A proclamation was presented for "Procurement Month."

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

**PUBLIC COMMENT:**

James Schenck, 6216 Gainsborough Street, stated he was excited about the budget being reviewed on a quarterly basis. He inquired about the sanitation fee. He further inquired about the cost of FOIA requests. Johnny Hughes, 1501 North Hughes Street, signed up to speak but was not present. Julie Hunt, 2500 South Polk Street, quoted the 8<sup>th</sup> amendment and Jones vs. City of Los Angeles regarding the enforcement of the anti-camping ordinance criminalizing the homeless. She stated there was not enough shelters for the homeless in Amarillo. Rusty Tomlinson, 5700 Canyon Drive, stated he was a member of Food Not Bombs. He read from a Globe News article which Councilmember Powell was quoted that she would like to keep the homeless near the downtown resources. Mr. Tomlinson stated he was disappointed and disillusioned that no one on Council has asked for this item be put on a future agenda. Michael Davis, 4210 Polk Street, presented a written letter. He stated he believed Council was willing to help people achieve greatness. He stated the homeless problem was a complex issue. He asked the Council to reexamine a tent city that would motivate a positive environment. Claudette Smith, 4410 Van Kriston Drive, stated the City failed to respond to numerous complaints on the property at 45<sup>th</sup> and Soncy. She further stated that Council minutes were not verbatim. Michael Fisher, 4410 Van Kriston Drive, spoke on charges for open records. He further stated the homeless were over coded and he has been under coded by the City. Justin Wann, 3012 Mockingbird Lane, stated he was a locomotive engineer with BSNF railroad. The Brothers of Division 299 requested steps be taken at the crossing at Eastern Street, DOT 014602g MP 550.190 to avoid accidents. He further stated there were many near misses at this location that were not documented and law enforcement is not seen in this area. There were no further comments.

**ITEM 1:** Mayor Nelson presented the consent agenda and asked if any item should be removed for discussion or separate consideration. Motion was made by Councilmember Powell to approval the consent agenda, seconded by Councilmember Smith.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

- A. **MINUTES:**  
Approval of the City Council minutes of the regular meeting and special meeting held on February 27, 2018.
- B. **AWARD – HANDHELD EXPLOSIVE DETECTION SYSTEM:**  
(Contact: Ed Drain, Police Department)  
Thermo Scientific Portable Analytical Instruments, Inc. -- \$97,000.00  
This award is to approve a purchase of Gemini FTIR/Raman Handheld Analyzer for the City of Amarillo Police Department.
- C. **AWARD – IT SECURITY MAINTENANCE RENEWAL:**  
(Contact: Rich Gagnon, IT Director)  
Solid Border -- \$240,837.69  
This item is the annual maintenance renewal for the City's network security appliances.

### **REGULAR AGENDA**

**ITEM 2:** James Allen spoke on the gaps in homelessness services. Mr. Allen stated previous Council empowered the Continuum of Care (COC). They collaborate with nonprofits, businesses, faith based, individuals and others to address homelessness in the community. He stated that gaps were prevalent, due to decreased funding and he did not see this trend changing. He stated there was one shelter that is currently geared for allowing pets. He further stated Mr. Starbuck has offered FEMA kennels to the Salvation Army, if they have available room at their location. He stated that the City would also build dog runs. Recommendations from the subcommittee suggested a low-shelter with rules. Councilmember Sauer inquired as to the definition of low-barrier shelter. Mr. Allen replied the service providers' first concerns were safety and health but they did not allow alcohol, drugs or weapons. Councilmember Hays questioned whether low-barrier meant no rules or regulations. Mr. Allen reported the subcommittee did state the need for more sustainable housing in Amarillo and they are always looking for additional grants and funding sources. He further stated the subcommittee came up with a pamphlet, named pocket pal, which listed the resources and services available. Councilmember Sauer inquired as to the disparity in the homeless count. Mr. Allen explained the definitions of homelessness. He stated HUD defined homeless as not for humane habitat, and the Department of Education defines it as not having stable housing. The point in time count gives a snapshot of a 24-hour period. Mayor Nelson inquired if an accurate count was available, or if it was moving target. She further asked if anyone was ever turned away because the shelters were at capacity. Mr. Allen responded that the shelters can mobilize extra cots if necessary, and the local shelters have stated they can meet the demands. Mr. Allen explained that those who request a low-barrier shelter will not go to traditional shelters. During bad weather the shelters lower their standards to the bare minimum. Mayor Nelson stated it was difficult for the community to not have a defined definition of low-barrier shelter. She asked for a summary of the shelters and the services they provide. Councilmember Hays inquired if low-barrier shelters were temporary or permanent housing. Mr. Allen stated the goal was to find permanent housing for every homeless person. Councilmember Sauer inquired when the COC met. Mr. Allen stated they met on the second Friday of each month at 10:30 a.m. at the Salvation Army.

**ITEM 3:** Mayor Nelson presented the first reading of an ordinance rezoning of Lot 4B, Block 124, Original Town of Amarillo Unit No. 16, in Section 188, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Multiple Family District 1 with Specific Use Permit 115 (MF-1/S-115) to Planned Development 388 (PD-388) for Tiny Houses. (Vicinity: North Rusk Street and Northwest 3<sup>rd</sup> Avenue.) This item was presented by AJ Fawver, Planning and Zoning Director. Dan Ferguson, President of Yellow City Community Outreach (YCCO) stated this housing would be used as transitional housing. He further stated the focus is on the chronic homeless and the need to get to the root of their problem. Mayor Nelson opened a public hearing. Edith DiTommaso, 1613 Bowie Street #B, stated she was thrilled to see the City allowing tiny homes to be built. She encouraged the Council to build other homes for the homeless. Carol Smith, 1616 South Polk

Street, stated the misconception was that they will not have restroom facilities and it was important to stated there was no charge, unless they had the ability to pay, and that there was restroom and sanitation in the facilities. James Schenck, 6216 Gainsborough Street, inquired who would be paying for the water and electricity and how they would determine who would be in the tiny houses. Councilmember Hays replied they are not owned by the City, and YCCO would determine who the residents will be and the nonprofits will pay the utilities. There were no other comments. Mayor Nelson closed the public hearing. Motion was made by Councilmember Sauer, seconded by Councilmember Hays, that the following captioned ordinance be passed:

**ORDINANCE NO. 7718**

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 NORTH RUSK STREET AND NORTHWEST THIRD AVENUE, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

**ITEM 4:** Mayor Nelson presented the first reading of an ordinance rezoning Lot 3A, Block 1, Sunset Addition Unit No. 4, in Section 171, Block 2, AB&M Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Residential District 3 (R-3) to General Retail District (GR). (Vicinity: South Washington Street and Wolflin Avenue.) This item was presented by AJ Fawver, Planning and Zoning Director. Mayor Nelson opened a public hearing. Richard L. Crawford, 6601 Admiral Court, stated he was the requestor on this item. Michael Fisher, 4410 Van Kriston Drive, spoke about the screening requirement. Joseph Kutin, 2006 South Madison Street, stated he had major concerns about this in his neighborhood. He inquired about the traffic on the residential street and the wooden fence. He further inquired what General District meant. Don Michel, 2002 South Madison Street, stated he did not want to worry about what might be opened in this area. Larry Winters, 2000 South Madison Street, questioned what type of General Retail business might be placed at that location. Claudette Smith, 4410 Van Kriston Drive, compared this item to the area near her residence. Richard L. Crawford stated he would put a solid wooden fence in the area. He stated he has purchased the houses in the area and will move them. There were no further comments. Mayor Nelson closed the public hearing. Councilmember Sauer stated the change in residential zoning would be difficult for him. Councilmember Hays asked if the opposition was known would the recommendation have been different. Mr. McKamie stated the advisory board could reconsider this issue or Council could ask for additional information. Councilmember Hays inquired about the screening requirements. Ms. Fawver stated the ordinance states a wooden fence would be sufficient. Councilmember Smith asked if anyone within 200' opposed the rezoning. Ms. Fawver stated this was the first time she has heard these complaints. Mr. Kutin stated they were within the 200' area. He also stated as neighbors they were not sure how the hearing process worked. He would appreciate another opportunity to speak to the Planning and Zoning board. Mr. Crawford stated he needed to move the houses, but he was willing to allow this item to be readdressed by the Planning and Zoning board. Mayor Nelson inquired if the land would be cleared and built to suit. Councilmember Sauer inquired what General Retail could include. Mayor Nelson asked who had requested the rezoning. Ms. Fawver stated Mr. Crawford requested a drive-thru be allowed at this location. Councilmember Hays stated moving forward Washington Street would be productive real estate. Ms. Fawver pointed out there is some General Retail in the area. Motion was made by Councilmember Powell, seconded by Councilmember Smith, that the following captioned ordinance be passed. Councilmember Powell then rescinded her motion, seconded by Councilmember Sauer.

**ORDINANCE NO. 7719**

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 SOUTH WASHINGTON STREET AND WOLFLIN AVENUE, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Motion was then made by Councilmember Smith to refer this item back to the Planning and Zoning Advisory Board, seconded by Councilmember Hays. Mr. McKamie stated the notice and public hearing has been accomplished, those motions would not be repeated. When the matter comes back to Council there will not be a posted hearing. Mr. Smith asked the owner to visit with the homeowners and Ms. Fawver to see if there was an acceptable zoning. Mr. Crawford mentioned that Amarillo College owns some houses in the area that will also be moved.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 5: Mayor Nelson presented the first reading of an ordinance considering approval of the vacation of a 22,420 square foot portion of 60' ROW known as Southwest 8th Avenue directly east of South Coulter Street, previously dedicated by Medical Institute Unit No. 8 plat, in Sections 25 and 44, Block 9, BS&F Survey, Potter County, Texas. (Vicinity: Southwest 8th Avenue and South Coulter Street.) This item was presented by AJ Fawver, Planning and Zoning Director. Motion was made by Councilmember Powell, seconded by Councilmember Sauer, that the following captioned ordinance be passed:

**ORDINANCE NO. 7720**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS DETERMINING LACK OF PUBLIC NECESSITY FOR RIGHT-OF-WAY AND NEARBY PUBLIC UTILITY EASEMENTS IN THE VICINITY OF SOUTHWEST 8<sup>TH</sup> AVENUE AND SOUTH COULTER STREET, POTTER COUNTY, TEXAS; VACATING AND ABANDONING THE HEREIN- DESCRIBED RIGHT-OF-WAY; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 6: Mayor Nelson presented the first reading of an ordinance approving a petition to include a 109.32 acre property located approximately 4.1 miles south of Amarillo, located east of Helium Road, southwest of Dove Road, and west of White Wing Road, fully within the extraterritorial jurisdiction (ETJ) of the City of Amarillo. This item was presented by AJ Fawver, Planning and Zoning Director. Motion was made by Councilmember Sauer, seconded by Councilmember Smith, that the following captioned ordinance be passed:

**ORDINANCE NO. 7721**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS, AMENDING THE DEFINITION OF THE EXTRATERRITORIAL JURISDICTION; ACCEPTING A PETITION FOR INCLUSION OF A TRACT OF LAND LOCATED IN RANDALL COUNTY INTO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF AMARILLO; PROVIDING THAT A CERTIFIED COPY OF THIS ORDINANCE BE SENT TO THE RANDALL COUNTY COMMISSION; PROVIDING A REPEALER CLAUSE; ESTABLISHING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

**ITEM 7:** Mayor Nelson presented the first reading of an ordinance annexing into the City of Amarillo, Randall County, Texas, on petition of property owner, territory generally described as a 91.334 acre tract located southeast of the city, west of the intersection of South Georgia Street and West Loop 335 South, situated in Section 231 and 232, Block 2, A.B.&M survey, and extending west/southwest adjacent to the northern line of Section 232 for a distance of 4012.31'; describing the territory annexed; finding that all necessary and required legal conditions have been satisfied; providing for amendment of the boundaries and official map of the city; approving a service plan therefore; subjecting the property situated therein to bear its pro rata part of taxes levied; providing rights and privileges as well as duties and responsibilities of inhabitants of said territory; directing the filing of the ordinance in the manner required by law; directing notice to service providers and state agencies; providing a severability clause; declaring compliance with open meetings act; and, providing an effective date. This item was presented by AJ Fawver, Planning and Zoning Director. Motion was made by Councilmember Powell, seconded by Councilmember Hays, that the following captioned ordinance be passed:

**ORDINANCE NO. 7722**

AN ORDINANCE ANNEXING INTO THE CITY OF AMARILLO, RANDALL COUNTY, TEXAS, ON PETITION OF PROPERTY OWNER, TERRITORY GENERALLY DESCRIBED AS A 91.334 ACRE TRACT LOCATED SOUTHEAST OF THE CITY, WEST OF THE INTERSECTION OF SOUTH GEORGIA STREET AND WEST LOOP 335 SOUTH, SITUATED IN SECTION 231 & 232, BLOCK 2, A.B.&M. SURVEY, AND EXTENDING WEST/SOUTHWEST ADJACENT TO THE NORTHERN LINE OF SECTION 232 FOR A DISTANCE OF 4012.31'; DESCRIBING THE TERRITORY ANNEXED; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING FOR AMENDMENT OF THE BOUNDARIES AND OFFICIAL MAP OF THE CITY; APPROVING A SERVICE PLAN THEREFORE; SUBJECTING THE PROPERTY SITUATED THEREIN TO BEAR ITS PRO RATA PART OF TAXES LEVIED; PROVIDING RIGHTS AND PRIVILEGES AS WELL AS DUTIES AND RESPONSIBILITIES OF INHABITANTS OF SAID TERRITORY; DIRECTING THE FILING OF THE ORDINANCE IN THE MANNER REQUIRED BY LAW; DIRECTING NOTICE TO SERVICE PROVIDERS AND STATE AGENCIES; PROVIDING A SEVERABILITY CLAUSE; DECLARING COMPLIANCE WITH OPEN MEETINGS ACT; AND, PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

**ITEM 8:** Mayor Nelson presented the second and final reading of an ordinance amending the Code of Ordinances to implement the recently amended Texas Public Information Act to allow the City to establish reasonable monthly and yearly limits on the amount of time that City personnel are required to spend producing public information for a requestor without recovering the costs attributable to that personnel time. This item was presented by Mick McKamie, City Attorney. Councilmember Hays stated she voiced opposition last week and understands the need. Motion was made by Councilmember Powell, seconded by Councilmember Sauer, that the following captioned ordinance be passed:

**ORDINANCE NO. 7717**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 2-4, ARTICLE I, BY ADDING SEC. 2-4-10 "TIME LIMITS FOR RESPONDING TO CERTAIN REQUESTS" ESTABLISHING MONTHLY AND ANNUAL TIME LIMITS ON TIME SPENT BY CITY PERSONNEL ON RESPONDING TO A REQUESTOR OF PUBLIC INFORMATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

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

ITEM 9: Mayor Nelson presented a resolution amending the observed holiday schedule to include Veteran's Day (November 11), Christmas Eve (December 24) and a Floating Holiday for a total of 11 holidays. This item was presented by Mitch Normand, Director of Human Resources. Motion was made by Councilmember Powell, seconded by Councilmember Smith, that the following captioned resolution be passed:

RESOLUTION NO. 03-06-18-1  
AN RESOLUTION OF THE AMARILLO CITY COUNCIL RE-DECLARING  
THE ANNUAL OFFICIAL HOLIDAYS FOR THE CITY OF AMARILLO;  
PROVIDING EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

ATTEST:



Frances Hibbs, City Secretary



Ginger Nelson, Mayor