

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 1st day of March 2016, the Amarillo City Council met at 3:00 p.m. for a work and executive session and then at 5:00 p.m. for the regular session both held in the Council Chamber located on the third floor of City Hall at 509 Southeast 7th Avenue, with the following members present:

PAUL HARPOLE	MAYOR
ELISHA L. DEMERSON	COUNCILMEMBER NO. 1
BRIAN J. EADES	COUNCILMEMBER NO. 2
RANDY BURKETT	COUNCILMEMBER NO. 3
MARK NAIR	COUNCILMEMBER NO. 4

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

TERRY CHILDERS	INTERIM CITY MANAGER
MICK MCKAMIE	CITY ATTORNEY
KELLEY SHAW	PLANNING DIRECTOR
FRANCES HIBBS	CITY SECRETARY

The invocation was given by Greg Dowell, Central Church of Christ. Mayor Harpole led the audience in the Pledge of Allegiance.

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 February 23, 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 announced a public hearing to gather input on the potential renewal of the Juvenile Curfew Ordinance, which will expire on March 20, 2016. Robert Taylor, Amarillo Police Chief presented data related to the Juvenile Curfew Ordinance for years 2013, 2014 and 2015. Mayor Harpole stated that the interaction he has had with parents was that they liked the curfew. There were no comments from the public. Mayor Harpole closed the public hearing.

ITEM 3: Mayor Harpole presented an ordinance amending Chapter 10-3, Miscellaneous Offenses of the Amarillo Municipal Code to re-adopt a nocturnal (midnight and after) juvenile curfew for persons under the age of seventeen years. The City Commission last adopted a juvenile curfew in March 2013. Per state law, a juvenile curfew must be reviewed and re-adopted every three years. The re-adoption of this curfew is recommended by the Amarillo Police Department. Motion was made by Councilmember Eades, seconded by Councilmember Demerson, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7587

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO: RE-ADOPTING AND CONTINUING CHAPTER 10-3, ARTICLE VI, SECTIONS 10-3-71 THROUGH 10-3-75, INCLUSIVE OF THE AMARILLO MUNICIPAL CODE, WITHOUT CHANGE; PROVIDING FOR A NOCTURNAL CURFEW (STARTING AT MIDNIGHT) FOR PERSONS UNDER 17 YEARS OF AGE; DEFINING OFFENSES; PROVIDING DEFENSES; PROVIDING A CUMULATIVE REMEDY CLAUSE; PROVIDING SAVINGS AND SEVERABILITY CLAUSES; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PENALTIES AND AN EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Eades, Burkett and Nair; Voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 4: Mayor Harpole presented an ordinance amending Ordinance No. 7559 to correct a clerical error relating to the legal description of the drainage easement that was vacated and abandoned. Motion was made by Councilmember Demerson, seconded by Councilmember Burkett, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7588

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS AMENDING ORDINANCE NO. 7559 TO CORRECT A CLERICAL ERROR RELATING TO THE LEGAL DESCRIPTION OF THE DRAINAGE EASEMENT BEING VACATED AND ABANDONED; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Eades, Burkett and Nair; Voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 5: Mayor Harpole presented an ordinance amending the Amarillo Municipal Code, Chapter 14-2 to reallocate a fractional use distribution of the Hotel Occupancy Tax (HOT). Motion was made by Councilmember Nair, seconded by Councilmember Eades, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7586

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 14-2, ARTICLE III, SECTION 14-2-52(b)(4) TO REMOVE ALLOCATION RESTRICTIONS AND ALLOW DISTRIBUTION OF THE HOTEL OCCUPANCY TAX IN ACCORDANCE WITH STATE LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Eades, Burkett and Nair; Voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 6: Mayor Harpole presented an ordinance which would amend Amarillo Municipal Code, Chapter 18-2 to add a new Article VI, Sections 18-2-100 to 18-2-130, including procedures and definitions, adopt regulations and placing a Cross-Connection Program into the City of Amarillo Municipal Code. The purpose of said Article is to comply with Title 30 and to protect the water supply of the City from contamination due to any cross connections. The Public Hearing was conducted during the City Council Regular Session on February 18, 2016; the first reading was conducted February 23, 2016.

Andrew Holley, West 51st Avenue, stated the need to educate the public before being fined. Councilmember Nair stated an education campaign might be helpful. Mr. Childers stated they were addressing this need with the comprehensive strategy. Motion was made by Councilmember Nair, seconded by Councilmember Eades, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7585

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE TO ADD CHAPTER 18-2, CREATING NEW ARTICLE VI, SECTIONS 18-2-100 TO 18-2-130 AND PROVIDING FOR DEFINITIONS, REQUIREMENTS, GUIDELINES, AND OTHER; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Eades, Burkett and Nair; Voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 7: Mayor Harpole presented a resolution approving the application for the FY2016 Regional Solid Waste Grant Program Application to the Panhandle Regional Planning Commission (PRPC). The Solid Waste Department will use the requested \$5,500.00 to fund the use of shipping trailers to collect and recycle scrap tires during a month-long neighborhood scrap tire cleanup program.

Steve Fisk, Acting Solid Waste Superintendent, stated this grant would allow the funding for four shipping trailer loads of used tires to reduce the illegal tire dumping in Amarillo. He further stated they would pick up tires until the trailers were full. Residents would be able to clean up their properties that have been illegally dumped with used

tires. Jesse Pfrimmer, 5723 South Milam Street, encouraged the City to attend a meeting tomorrow at the Northwest Branch Library from 4:00-6:00 p.m. to explain this program that will be available to citizens. Motion was made by Councilmember Demerson, seconded by Councilmember Burkett, that the following captioned resolution be passed:

RESOLUTION NO. 03-01-16-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS; AUTHORIZING THE SUBMISSION OF A FY2016 REGIONAL SOLID WASTE GRANTS PROGRAM APPLICATION TO THE PANHANDLE REGIONAL PLANNING COMMISSION (PRPC) AND AUTHORIZING THE CITY MANAGER TO REPRESENT THE CITY IN ALL MATTERS PERTAINING TO THIS APPLICATION; PROVIDING SEVERABILITY CLAUSE; PROVIDING SAVINGS CLAUSE AND EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Eades, Burkett and Nair; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 8: Mayor Harpole presented a resolution suspending until June 20, 2016, Xcel Energy's request filed February 16, 2016 with the Texas Public Utility Commission, for an increase in base revenue of about 14.41%. Approval of this resolution will allow the City time to review and evaluate Xcel Energy's rate and fuel filing on behalf of Amarillo residents and Xcel customers. Mr. Childers stated this resolution will suspend the rate increase filed by SPS to the PUC. If this rate increase is not suspended, rates would increase at the end of the month. This resolution will allow the City to work with area Panhandle cities to evaluate the rates and the suspension will give us time to work on numbers and recommendations. Motion was made by Councilmember Eades, seconded by Councilmember Demerson, that the following captioned resolution be passed:

RESOLUTION NO. 03-01-16-2

A RESOLUTION BY THE CITY OF AMARILLO, TEXAS ("CITY") SUSPENDING SOUTHWESTERN PUBLIC SERVICE COMPANY'S PROPOSED EFFECTIVE DATE IN CONNECTION WITH ITS STATEMENT OF INTENT SUBMITTED ON ABOUT FEBRUARY 16, 2016; AUTHORIZING THE CITY TO JOIN WITH OTHER CITIES IN THE ALLIANCE OF XCEL MUNICIPALITIES ("AXM") TO DIRECT THE ACTIVITIES OF LAWYERS AND CONSULTANTS; AUTHORIZING THE HIRING OF ATTORNEYS AND CONSULTANTS; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES; REQUIRING PROOF OF NOTICE; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Eades, Burkett and Nair; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 9: Mayor Harpole stated the need for the City of Amarillo to accept the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2015. Motion was made by Councilmember Eades, seconded by Councilmember Demerson, that the Amarillo Comprehensive Annual Financial Report for the fiscal year ended September 30, 2015 be received and accepted.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Eades, Burkett and Nair; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 10: Mayor Harpole advised that this item would be tabled.

ITEM 11: Mayor Harpole presented the consent agenda and asked if any item should be removed for discussion or separate consideration. There were none. Mr. Childers stated the need for a comprehensive classification study which included the quality of pay for employees. An RFP has been issued for a thorough compensation study and City staff recommends awarding this contract to Evergreen Solutions. Motion was made by Councilmember Burkett to approve the consent agenda, seconded by Councilmember Demerson.

A. Award – Comprehensive Compensation and Classification Study:
Evergreen Solutions, LLC – \$135,000.00

This item awards a professional services contract to provide a Comprehensive Compensation and Classification Study that will review the City's current pay and classification plan. Funding is available for this contract from the approved 2015-2016 budget.

B. Approval - Change Order Two (2) – Job# 521941: 24th Pipeline 48" Well Water Transfer Line:

Original Contract:	\$ 11,740,159.00
Previous Change Orders:	\$ 238,412.49
Current Change Order:	\$73,649.42
For a total of Change Orders	\$312,061.91
Revised Contract:	\$12,052,220.91

This item approves Change Order No. 2 to the contract with Condie Construction Company, Inc. for additional work required on the 24th Pipeline.

C. Approval – Aviation Clear Zone Easements:

1) Aviation Clear Zone Easement being 4,750 feet MSL above the plat of Sundown Estates Unit No. 1, a suburban subdivision to the City of Amarillo, being an unplatted tract of land out of Section 177, Block 2, AB&M Survey, Randall County, Texas from Diego Flores, in the vicinity of Washington Street and Sundown Lane.

2) Aviation Clear Zone Easement being 3,755 feet MSL above the plat of Whitaker Subdivision Unit No.3, an addition to the City of Amarillo, being a replat of all of Tracts 38 and 39, and a portion of Tract 40, Whitaker Subdivision, in Section 92, Block 2, AB&M Survey, Potter County Texas from Dao Tran, in the vicinity of East Amarillo Boulevard and Triangle Drive.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Eades, Burkett and Nair; Voting NO were none; the motion carried by a 5:0 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.

Mr. Childers read a statement and gave brief comments concerning his recent 911 calls. Mr. McKamie reminded the audience of the Texas Open Meetings Act and the limited responses by the Council. Chris Hesse, Attorney, stated he was a civil rights and criminal offense attorney. He further stated that Mr. Childers may have committed several crimes using 911 which is a Class B misdemeanor. He suggested that Mr. Childers invoke his right to protect himself and refrain from making any other statements. Arthur Tupin, 7115 Gainsborough Street, stated the Chief of Police would know the protocol for a lock down. Keith Ferguson, 5730 Southwest 43 Avenue, stated he was an ex-police officer who had been in charge of dispatch. He further stated the need for a streetwise officer to be in dispatch for all three shifts to supervise dispatchers. He recognized the need to reorganize but there was no need to be abusive. Iris Lawrence, 1600 North Washington Street, Amarillo Branch NAACP President, stated she supported Mr. Childers' in his efforts for doing more with the community and the need for Amarillo to work together to develop a city for all of the people. Claudia Stravato, 210 South Avondale Street, stated there were problems with 911 center and a need to look at the pros and cons. Shawn Fuller, 3801 Paramount Street, stated the Appearance Committee's charge has included the homeless situation along with the weeds, junk vehicles, graffiti and the used tire problem. Rupert Brashears, Jr., stated a breach of peace is to a commit offense.

Martin Mohada(sp) 2909 South Roosevelt Street, stated first responders and dispatchers are not perfect. Problems at the 911 call center are reviewed, solutions are made and procedures are adjusted. Adrian Castillo, 46 & Hughes Street, stated the

community wanted to hear Mr. Childers' apologize. He further stated the need to ask the dispatchers what we could do better to help them make their jobs more efficient. Sharon Moore, 7814 Hermosa Drive, stated she was a nurse and was angry with whole situation. She asked the Council to ask the dispatchers what they could do to help them. Ladonna Ramy(sp), 4612 South Lamar Street, stated all the 911 people are civil service employees and they follow protocols to do their job. She inquired why complaints brought up were not discussed with AECC. She further inquired as to why the reorganization was done within 24 hours, and why Mr. Bavoussett was demoted, given an ultimatum, or asked to take retirement. Kit Rudd, 6850 Grande Drive, stated Mr. Childers has been doing a good job since he has been with the City. He further stated last week he fed, gave out blankets, gloves, and hats to 15 people and took a pregnant girl to a shelter. Jim O'Malley, 715 South Fillmore Street, questioned the AECC changes being done so quickly. Bob Juba, 550 South Avondale Street, stated he found the 911 calls disturbing, hoped it was not a pattern and one day does not make a trend. He encouraged the Council to measure this one event with his tenure. Mr. Juba stated activities were happening and things were moving downtown. Council cannot ignore a mistake, but can forgive if it is one mistake. The responders were professional and the calltakers do save lives and are to be commended. Mindy Cook, 3807 Pine Street, stated the AECC was still in its infancy and still going through growing pains. She further stated calltakers do not do it for the money, but that civil service is in their blood. She asked Council not to take away their opportunity to grow. A civilian run 911 is not the norm and there is not enough background to know if it is still working. Juvonda Westmoreland, 906 North Lincoln Street, stated there was no diversity in the AECC. Linda Sorrels, 2617 14th Avenue, Canyon, a former Deputy Sheriff for Potter County, offered her appreciation and admiration for the 911 calltakers and she stated she was outraged listening to the phone calls. Danny Richburg, 6900 Hope Road, stated Mr. Childers made an apology, but the apology does not remove what he said or did. He stated there should be consequences associated with his actions. Ellen Sherrill(sp), 2518 Thorn Drive, stated she did not have a good experience when she called 911. She inquired if anyone was concerned about the threatening calls placed to Mr. Childers and the need to address racism in Amarillo.


Ray Guy, 7419 Jameson Street, stated he was embarrassed when he first heard the calls and also embarrassed by Mr. Childers' written statement. He is now willing to sit back and watch. Elijah Demerson, appreciated all the positive things happening in the City. David Kossey, 1014 Cimarron Canyon, inquired if anyone has actually been let go from the 911 center. Mr. McKamie stated as a factual matter there were not. Mr. Kossey further stated there has not been a decision made on the homeless ordinance. Robert Baker, 3310 Kingston Road, stated he was concerned about the comments this evening and that something was wrong with the 911 call system and the calls being made that were not appropriate. He further stated the need to address the public on what 911 should be used for. Dana Havlik, 613 Southwest 46th Avenue, stated changes that are being implemented within the 911 center are a long time coming. He further stated fire and police personnel were not welcomed in the center. Trivia Harper, 505 South Independence Street, stated that public servants needed to remember they are just like everyone else and not let their positions go to their heads. Andrew Holley, West 51st Avenue, stated the community only attends Council meetings during controversies and that citizens need to be engaged in the community. Pastor Eddie Heed(sp), stated people in church make mistakes and we forgive them, but in a social setting people act differently. The persons answering the calls might have needed a balance of understanding on what was happening. Roby Mitchell, 8001 Parkway Drive, stated Mr. Childers' request for an immediate response was an egregious breach of power. He further stated he appreciated his apology and he felt the dispatcher acted very professional. Julian Reese, 1212 Sycamore Street, stated people make mistakes and no one is perfect. Jesse Pfrimmer, 5723 South Milam Street, praised Mr. Childers for his apology. There were no further comments.

Mayor Harpole advised that the meeting was adjourned.

ATTEST:



Frances Hibbs, City Secretary



Paul Harpole, Mayor