

STATE OF TEXAS  
COUNTIES OF POTTER  
AND RANDALL  
CITY OF AMARILLO

On the 8th 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	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 Pastor Ricky Pfeil, Kingdom Keys. 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 March 1, 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 vacating an existing 80-foot by 160-foot segment of Southeast 8<sup>th</sup> Avenue right-of-way, save and except a 15-foot public utility easement and a 20-foot by 35-foot public access easement in Section 155, Block 378 and Block 397, AB&M Survey, Potter County, Texas. This vacation was reviewed and recommended for approval by a 5:0 vote of the Planning and Zoning Commission. Councilmember Nair inquired about the market value. Mr. Shaw stated the purpose of the vacation is to make additional parking spaces for a 25-residential unit. The average market value is \$.75 per square foot. Allen Finegold, 2601 North Grand Street, requested the Council look at vacating other streets throughout town. He suggested an area on Manhattan Street which lies between the railroad tracks and Southeast 3<sup>rd</sup> Avenue. Mr. Shaw stated they consider these vacations on the connectivity of service for public purposes. Notices are also sent to adjacent public owners. James Schneck, 6216 Gainsborough Street, inquired if this property was in front of The Lofts. Mr. Shaw stated the vacation would release the City's right-of-way easement except for a public easement for utilities. Motion was made by Councilmember Demerson, seconded by Councilmember Eades, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7589

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

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 3:** 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. Col Birkenfeld, Assistant Police Chief was in attendance for questions. There were no comments from the public. Mayor Harpole closed the public hearing.

**ITEM 4:** 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 Demerson, seconded by Councilmember Burkett, that the following captioned ordinance be passed on second and final 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 5:** 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 Burkett, seconded by Councilmember Nair, that the following captioned ordinance be passed on second and final 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 6:** Mayor Harpole presented a resolution setting the date and time for a public hearing on March 29, 2016, at 5:00 p.m. to determine if the property at 1210 Northwest 12<sup>th</sup> Avenue constitutes a public nuisance and thereby declared as dangerous structure. A copy of this resolution will be mailed to all interested parties providing ten (10) days notice of public hearing. Motion was made by Councilmember Eades, seconded by Councilmember Demerson, that the following captioned resolution be passed:

**RESOLUTION NO. 03-08-16-1**

A RESOLUTION CALLING A PUBLIC HEARING TO DETERMINE WHETHER CERTAIN CONDITIONS DESCRIBED HEREIN CONSTITUTE A PUBLIC NUISANCE AT THE LOCATION(S) STATED; PROVIDING FOR NOTICE.

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:** Floyd Hartman, Director of Capital Projects and Development Engineering, gave an update on the Canadian River Municipal Water Authority (CRMWA), the City's water supply and the City's drought contingency plan. He stated CRMWA's proposed replacement of pipe was 7,375 feet to be replaced in a parallel line and replacement

pipe of 4,075 feet. He further stated crews were working while they are surveying the pipe. Mr. Hartman stated the Drought Contingency Plan was required by TCEQ. The plan is updated every five years and is specific to trigger points on the water supply, demand measures, qualities, goals and emergency response. The safe maximum amount of water produced is 121 million gallons per day. Mr. Hartman further stated the costs would be about \$3 million for Amarillo and Lubbock and the survey will cost approximately \$2 million.

Randy Schuster, Interim Building Official presented a flow chart on the procedures on public nuisances and dangerous structures. He further stated before these changes were implemented the process would take years. There are over 200 structures identified as hazardous.

**ITEM 8:** Mayor Harpole advised that an appointment is needed for a certain board. Motion was made by Councilmember Demerson, seconded by Councilmember Eades and unanimously carried to appoint Joel Favela to replace Gary Ward on the construction Advisory and Appeals Board, such terms to expire December 31, 2018.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Eades and Nair; voting NO was Councilmember Burkett; the motion carried by a 4:1 vote of the Council.

**ITEM 9:** Mayor Harpole presented the consent agenda and asked if any item should be removed for discussion or separate consideration. There were none. Motion was made by Councilmember Nair to approve the consent agenda, seconded by Councilmember Burkett.

A. Purchase – Fertilizer:

Award to low responsive bidders as follows:

Pro Chem Sales	\$56,292.90
Lines 1,2,8,12	
Harrells LLC	\$6,000.00
Line 3	
Spra-Green	\$681.60
Line 4	
BWI Dallas/Fort Worth	<u>\$77,497.20</u>
Lines 5,6,7,9,10,11	
Total Award	\$140,471.70

This item approves the annual purchase of various fertilizers. These items are used throughout the year at the Ross Rogers and Comanche Trail Golf Complexes. The total bid price reflects a decrease of 2.2% from last year's contract. Funding is available in the approved FY 2015-2016 operating budgets for the Ross Rogers and Comanche Trail Golf Departments.

B. Purchase – Ammunition:

Police Department	\$95,774.88
Airport Police Department	\$ 2,770.11
Fire Marshall	<u>\$ 1,091.29</u>
Award to low bidder:	\$99,636.28

This item is the purchase of ammunition for use by the Amarillo Police Department and the Amarillo Shooting Complex (\$95,774.88), Airport Police Department and Fire Marshall. The purchase includes duty and training ammunition for the Amarillo Police Department and ammunition for sale at the Complex. Funding for this purchase is available in the approved 2015-2016 Police Department operating budget.


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.

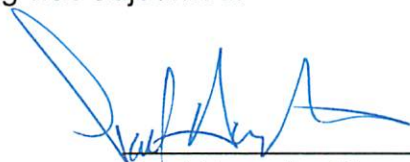
Mayor Harpole announced that this is the end of the regular agenda, but this time is reserved to hear from any citizen concerning matters pertaining to City policies, programs or services not on today's agenda. The public forum is set under the Open Meetings Act and that during the public forum the City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

Cindy Sprawl, 17710 FM 2575, stated that the elected officials needed to be more united and the bickering needed to be set aside. She further stated the City is paying outside consultants and taking away duties from City employees. The focus has been on the downtown development and the City has lost quality staff due to the turmoil. Allen Finegold, 2601 North Grand Street, stated the east side of town has no conformity. He also stated problems with the scrap yards and the former Southwest Stress Concrete facility. Alan Abraham, 7205 Southwest 35<sup>th</sup> Avenue, stated he appreciated the open forum and believed the Council has been functioning fairly and competently. Jeff Poindexter, 422 East Bonita, stated he believed everything was going fine. There were no further comments.

Mayor Harpole advised that the meeting was adjourned.

ATTEST:

  
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 Frances Hibbs, City Secretary

  
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 Paul Harpole, Mayor