

STATE OF TEXAS  
 COUNTIES OF POTTER  
 AND RANDALL  
 CITY OF AMARILLO

On the 17th day of May 2016, the Amarillo City Council met at 3:30 p.m. for a work session, executive session, and the regular session 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:

PAUL HARPOLE	MAYOR
ELISHA L. DEMERSON	COUNCILMEMBER NO. 1
BRIAN 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 Kevin Deckard, Polk Street United Methodist Church. Mayor Harpole led the audience in the Pledge of Allegiance.

A proclamation was presented for "Elder Abuse 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 May 10, 2016. Motion was made by Councilmember Burkett to approve the minutes; motion was seconded by Councilmember Nair, and unanimously carried to approve the minutes.

ITEM 2: Mayor Harpole presented an ordinance of an ordinance rezoning of a 20.46 acre tract of land out of Section 191, Block 2, AB&M Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agricultural District to Residential District 3. This item was recommended for approval by a 4:0 vote of the Planning and Zoning Commission. Motion was made by Councilmember Demerson, seconded by Councilmember Eades, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7602

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 VINEYARD BOULEVARD AND BROADWAY DRIVE, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; 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 3: Mayor Harpole presented an ordinance rezoning of a 5.928 acre tract of land in Section 183, Block 2, AB&M Survey, Randall County, plus one-half of all bounding streets, alleys and public ways, to change from Agricultural District to Residential District 3. This item was recommended for approval by a 4:0 vote of the Planning and Zoning Commission. Motion was made by Councilmember Nair, seconded by Councilmember Burkett, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7603

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 FARMERS AVENUE AND EXPLORER TRAIL, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; 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 4: Mayor Harpole presented an ordinance to consider amending the Amarillo Municipal Code, Chapter 4-2, Signs, to provide revisions of sign definitions and temporary sign regulations. Mayor Harpole stated all municipalities are looking at their entire sign ordinances. Mr. McKamie stated due to a recent court ruling municipalities are regulating the first amendment protection. Councilmember Burkett stated he would like to see a committee look at the entire sign ordinance. Councilmember Demerson encouraged the Council to include someone that is strong in constitutional law and to recognize individuals' rights to govern their own property. Mayor Harpole opened and then closed the public meeting. Motion was made by Councilmember Eades to table this item for 30-days, seconded by Councilmember Demerson, that the following captioned ordinance be tabled:

ORDINANCE NO. 7604

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 4-2, TO PROVIDE REVISIONS OF DEFINITIONS; SECTIONS 4-2-2; TEMPORARY SIGN REGULATIONS; SECTION 4-2-11; 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 5: Mayor Harpole presented a resolution conducting a public hearing on and considers ordering the removal of a substandard structure and three accessory structures located at 1107 North Bolton Street. Motion was made by Councilmember Eades to select Option(s) II and V seconded by Councilmember Nair, that the following captioned resolution be passed:

RESOLUTION NO. 05-17-16-1

A RESOLUTION DECLARING THAT CERTAIN IMPROVEMENTS DESCRIBED HEREIN ARE PUBLIC NUISANCES AND REQUIRING THE TAKING DOWN AND REMOVAL OF SUCH IMPROVEMENTS; PROVIDING FOR FILING OF LIENS; PROVIDING A REPEALER CLAUSE; PROVIDING SEVERANCE CLAUSE; PROVIDING EFFECTIVE DATE.

Randy Schuster, Deputy Building Official, and Andrew Ferrell were sworn in. Mr. Schuster stated the property at 1107 North Bolton Street consists of a manufactured home, an unsecured residential structure. The roof has partially blown off. There has been little effort to remove or repair this structure. There have been no recent applications for permits to abate the nuisance and demolition is recommended. The property is a nuisance to the community and creates an unsafe environment. There are \$149.34 current taxes and \$796.15 delinquent taxes due on the property. There has been no water service since July 2011. The City has \$1,276.00 due for mowing and cleanup. Mayor Harpole asked if there was an owner, property owner or neighbor in attendance. There were none. Andrew Ferrell, 4219 Morning Drive, stated his uncle lives next door to this address and the roof makes a lot of noise. The owner has not done anything in four years. There were no other comments.

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 June 7, 2016, at 5:00 p.m. to determine if the property at 2202 Southeast 19<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 Nair, seconded by Councilmember Burkett, that the following captioned resolution be passed:

RESOLUTION NO. 05-17-16-2

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:** Mayor Harpole presented a resolution establishing a Subcommittee to the City Council for appointments to various Boards and Commissions. Mr. Childers stated Council will have upcoming heavy agendas including appointments to the boards and commissions. The Subcommittee will work to identify candidates and then bring to the entire Council appointments for their consideration. The Subcommittee will set guidelines for consideration, input will be provided by the individual Councilmembers, and those who have expressed an interest in serving as well as creating an application process. The Subcommittee will vet the appointments and bring to Council as a whole appointment considerations. Councilmember Burkett stated the Subcommittee can do a lot of the work. Councilmember Burkett suggested Councilmember Demerson and Mayor Harpole. Councilmember Nair stated the need for an online process on the City's website. He further suggested a subcommittee be appointed for bicycle pedestrian safety. Mayor Harpole stated the Subcommittee will sort through the appointment information and bring all appointments to the Council. He encouraged looking at qualifications, backgrounds, and the need for certain job categories on certain boards. Motion was made by Councilmember Eades to establish such a Subcommittee, seconded by Councilmember Nair, that the following captioned resolution be passed:

RESOLUTION NO. 05-17-16-3

A RESOLUTION OF THE CITY OF AMARILLO, TEXAS ESTABLISHING A SUBCOMMITTEE TO SERVE AS ADVISORY COMMITTEE TO THE CITY COUNCIL TO EVALUATE AND MAKE RECOMMENDATIONS FOR CITY COUNCIL APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS; 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:** Richard Havens, Director of Animal Management & Welfare and Judi Glidewell with Critter Haven presented a Spay Initiative "Diva Day." These partners will offer 350 spay vouchers with accompanying microchips and necessary vaccinations. Ms. Glidewell stated stopping the euthanasia of Amarillo Pets cannot be done by pet adoption only through spays and neuters. Vouchers and discounted spays and neuters would be offered.

**ITEM 9:** Mayor Harpole presented the consent agenda and asked if any item should be removed for discussion or separate consideration. There were none. Mayor Harpole asked for clarification between Items E and F. Mr. Hartman stated Item E was for the quantity of paving on Northeast 24<sup>th</sup> Avenue to Osage. Item F was an adjustment by HDR Engineering for an error on their bid. Councilmember Burkett inquired as to Item G. Mr. Shaw stated at the time the property was platted it did not have a clear zone easement. Motion was made by Councilmember Eades to approve the consent agenda, seconded by Councilmember Demerson.

A. Award – Purchase of Groundwater Rights:

Sellers: Stephen and Tonya Detten

The contract in the amount of \$143,175.00 is for the purchase of groundwater rights to add acreage in proximity of the City owned Well

#519 to the Potter County Well Field Permit. This purchase will be in compliance with Panhandle Groundwater Conservation District rules.

- B. Award – Software Maintenance:  
Open Text, Inc. -- \$86,770.51

This purchase renews annual vendor-provided support and maintenance for Open Text eDocs software which is utilized by all City departments.

- C. Award Bid No. 5363 – Masterson Pump Station Replacement Switchgear:  
Scope: Replace Electrical Switchgear at Masterson (Carson County) Pump Station
- |                              |                 |
|------------------------------|-----------------|
| Bid for New Switchgear:      | \$379,803.00    |
| Bid for spare Starter Parts: | <u>\$47,517</u> |
| Total Contract amount:       | \$427,320.00    |

This item is award of bid for the replacement of the Masterson Pump Station Electrical Switchgear. The current equipment was installed in the 1980's and we can no longer purchase spare or replacement parts. This would allow for full capacity pumpage from the City's largest well field.

- D. Award -- Annual Tire Supply Agreement:
- |                                   |                     |
|-----------------------------------|---------------------|
| Lang Tire & Auto                  | \$40,058.40         |
| A to Z Tire & Battery, Inc.       | \$23,170.00         |
| Southern Tire Mart                | \$147,340.00        |
| Reed Faris Tire Co.               | \$14,205.00         |
| Autco Tire & Service Center, Inc. | \$20,611.00         |
| Hathaway Industries, LLP          | <u>\$105,431.68</u> |
| Total Awarded                     | \$350,816.08        |

This award is to approve an annual contract for the purchase of tires for the City of Amarillo.

- E. Approval – Change Order Three (3) – Job #521941: 24<sup>th</sup> Pipeline 48" Well Water Transfer Line:

Original Contract:	\$11,740,159.00
Previous Change Orders:	\$355,877.44
Current Change Order:	<u>\$506,592.00</u>
Total Change Orders:	<u>\$862,469.44</u>
Revised Contract:	\$12,602,628.44

This item approves Change Order No. 3 to the contract with Condie Construction Company, Inc. for additional work required on the 24<sup>th</sup> Pipeline.

- F. Approval – Addendum Three (3) – Job #521941: 24<sup>th</sup> Pipeline 48" Well Water Transfer Line:

Original Contract:	\$1,525,054.00
Previous Addendum:	0
Current Addendum:	<u>(\$20,352.00)</u>
Total Addendums:	<u>(\$20,352.00)</u>
Revised Contract:	\$1,288,554.00

This item approves Addendum No. 3 to the Professional Service Agreement with HDR Engineering, Inc. to deduct a lump sum fee for omitting services outline in the addendum.

- G. Approval – Aviation Clear Zone Easement:  
Aviation Clear Zone Easement, being 4,700 feet above mean sea level above the plat of South Georgia Unit No. 31, an addition to the City of Amarillo, being an unplatted tract of land, in Section 183, Block 2, AB&M Survey, Randall County, Texas.

H. Approval – License and Hold Harmless Agreement:

License and Hold Harmless Agreement for the installation of groundwater monitoring wells in public right-of-way in Sections 123 and 124, Block 2, AB&M Survey, Potter County.

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.

Rusty Tomlinson, 5700 Canyon Drive, stated he was representing Food not Bombs. The recent ordinance outlawing camping by the homeless has disappeared but the homeless have not. He wished to keep this issue open and suggested the Council come up with an alternative. There were no further comments.

The Regular meeting was adjourned. The Work Session items were continued.

Mayor Harpole advised that the meeting was adjourned.

ATTEST:

  
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 Frances Hibbs, City Secretary

  
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 Paul Harpole, Mayor