

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 5th day of July 2016, the Amarillo City Council met at 3:30 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:

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| 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:

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| TERRY CHILDERS | INTERIM CITY MANAGER |
| MICK MCKAMIE | CITY ATTORNEY |
| BLAIR SNOW | MANAGEMENT ANALYST |
| FRANCES HIBBS | CITY SECRETARY |

The invocation was given by Leah Fort, Worship Pastor at Amarillo First Nazarene Church. 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 June 28, 2016 and June 29, 2016, respectively. 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: Mr. Childers introduced Ed Drain, Interim Chief, Amarillo Police Department.

ITEM 3: Motion was made by Councilmember Nair, seconded by Councilmember Demerson to accept the resignation of Brian J. Eades, M.D. and declare a vacancy in City Council Place 2, effective August 1, 2016. Councilmember Eades thanked the citizens of Amarillo and stated he believed the Council would choose wisely for a replacement.

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 considering amending the Amarillo Municipal Code, Chapter 4-2, Signs, to provide revisions of sign definitions and temporary sign regulations. Motion was made by Councilmember Burkett to table this item for two weeks, seconded by Councilmember Nair, that the following captioned ordinance be tabled for two weeks:

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; SECTION 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 an ordinance amending Section 10-3-116, Participation, Maximum Fee Schedule and Terms, of Article VII regarding non-consent towing and police rotation towing.

Richardo Cantu, 2400 Parker Street, stated the wrecker companies have not been able to provide input only listen to the changes. Councilmember Eades stated this item has recently been discussed on previous agendas. Mr. McKamie stated the Legal Department has reviewed the contract and there are no additional licensing requirements other than what is required by the state and federal. Mr. Childers stated the changes are minor adjustments as a result of the Outback Steakhouse incident. Motion was made by Councilmember Nair, seconded by Councilmember Eades, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7606

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, TO AMEND SECTION 10-3-116, "PARTICIPATION, MAXIMUM FEE SCHEDULE AND TERMS," OF ARTICLE VII REGARDING NON-CONSENT TOWING AND POLICE ROTATION TOWING; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

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 6: Mayor Harpole presented an ordinance rezoning Lots 15-16, Beckwith Addition, in Section 166, Block 2, AB&M Survey, Potter 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 the placement of a Type A Manufactured Home. (Address: 159 West Colorado Avenue.)

Mr. Cowell stated there are a number of manufactured homes in the area (six) with two being located within the same block. Mayor Harpole stated the City cannot completely ban manufactured homes from the City, but must stay within the zoning regulations. Councilmember Demerson stated he believed the manufactured homes caused the community to be further deteriorated. Mr. McKamie stated manufactured homes could be entitled to be placed where there is single-family residences. The City of Amarillo uses a special use process and aesthetics cannot be used. Motion was made by Councilmember Eades, seconded by Councilmember Nair, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7607

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 COLORADO AVENUE AND BUCK STREET, POTTER COUNT, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Eades and Nair; Voting NO were Councilmembers Demerson and Burkett; the motion carried by a 3:2 vote of the Council.

ITEM 7: Mayor Harpole presented a resolution conducts a public hearing and establishes a public improvement district to be located in the subdivision know as "Heritage Hills" in the vicinity of Helium Road, Arden Road and Soncy Rd./Loop 335. This petition was submitted by Perry Williams d/b/a P Dub Land Holdings Ltd. and Seth Williams d/b/a Pega Development LLC for residential and commercial/retail uses. This Public Improvement District is created to fund the construction and maintenance of certain right-of-way improvements such as landscaping, green areas and entry features throughout the subdivision.

Becky Beckham, Planner II, stated public improvement districts (PIDs) were a development tool used to finance special amenities and property owners pay assessments for the costs and improvements. The Heritage Hills PID would be assessed at a rate of \$.08 per square foot. She further stated there were no comments from the property owners who were notified. Mr. Cowell stated the county will get the assessments out but the PID would be managed by City staff. As the area develops, it will be annexed within the City limits. Mayor Harpole opened the public hearing, asked for public comments, there were none, and then closed the public hearing. Motion was made by Councilmember Burkett, seconded by Councilmember Eades, that the following captioned resolution be passed:

RESOLUTION NO. 07-05-16-1

A RESOLUTION CONDUCTING A PUBLIC HEARING ON A PETITION REQUESTING ESTABLISHMENT OF A PUBLIC IMPROVEMENT DISTRICT TO BE KNOWN AS THE "HERITAGE HILLS PUBLIC IMPROVEMENT DISTRICT," IN THE VICINITY OF HELIUM ROAD, ARDEN ROAD AND SONCY ROAD/LOOP 335; CONCERNING ADVISABILITY OF CREATING SUCH DISTRICT; NATURE OF IMPROVEMENTS; ESTIMATED COST; METHOD AND APPORTIONING OF ASSESSMENTS; BOUNDARIES OF SUCH DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; 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 8: Mayor Harpole advised that this Local Government Corporation appointment be tabled until the Place 2 position is filled.

ITEM 9: Mr. McKamie stated this item was regarding the City Manager Candidates and process to fill vacancy has been placed for an executive session. Mayor Harpole stated they would discuss this item in executive session.

ITEM 10: Mayor Harpole inquired about the procedure for the candidate selection and what to do in case of a 2 to 2 vote. Councilmember Nair stated there was a good chance there would be a tie. Mayor Harpole inquired about publishing the votes. Councilmember Burkett stated publishing the vote was not part of the initial process. Councilmember Demerson stated the Council mentioned that there are times when things stated are personal or of a private nature. Mr. McKamie stated there could be no votes in executive session but that ranking the candidates would be used as a tool for Council to determine the top ranking candidate. Mayor Harpole stated he was not willing to hide who he would be voting for. Councilmember Nair stated he had no problem making the vote public, but that the people who volunteer for public service would be exposed to insults and it would not be fair to the other four people.

Councilmember Demerson called for a point of order stating the agenda asked for discussion on questions and setting the schedule. Councilmember Nair suggested a place different from Council Chamber which would not be as intimidating. Mayor Harpole stated the media and citizens would be invited but the five candidates would not be able to hear what the others had to say. It was decided that interviews would be Tuesday, July 12 at 9:00 a.m. for approximately three hours.

Tom Warren, Council Applicant, stated the sooner the better and he did not believe the candidates needed to see the questions in advance. John Ingerson, Council Applicant, stated he trusted whatever decisions the Council makes but Applicants approaching the Council after the fact would be out of order. Councilmember Burkett inquired if the Council could make a decision by Tuesday, July 19.

ITEM 11: Councilmember Nair stated he has asked for this item because of safety concerns. Mr. Cowell stated this would be a permanent Committee charged to identify and evaluate safety concerns and solutions for pedestrians and cyclists in the community. This Committee would also include the Chair of the Traffic Advisory Board and one Council liaison. Councilmember Burkett asked if there was a way to address busy streets like Coulter.

ITEM 12: Mr. Nair stated this item would address recycling with supporting data and other environmental issues. Mr. Cowell stated this Ad Hoc Committee would be charged with research and evaluating recycling options for the community and to identify a potential list of other environmental concerns that may be similarly researched and evaluated and brought to the City's attention. Mayor Harpole inquired if they would also give guidance to the salvage yards. Councilmember Nair stated this also goes parallel with community appearance.

ITEM 13: Mr. Childers stated they were developing additional information and would bring it forward to the Council on creating a East Gateway Tax Increment Reinvestment Zone (TIRZ).

ITEM 14: Mayor Harpole presented the consent agenda and asked if any item should be removed for discussion or separate consideration. There were none. Floyd Hartman, CIP Director, presented a history of this item. Motion was made by Councilmember Nair to approve the consent agenda, seconded by Councilmember Eades.

A. Approval – Release of Covenant and Water Rights:

E. Naslund Family Trust

Effective upon the execution of this release, subject to approval by the Council, all their rights, title and interest in and to any reclaimed water, effluent water, discharge water, and/or water of any kind from the Hollywood Treatment Plant (hereinafter "reclaimed water") owned by the City of Amarillo. The release shall include, but not be limited to, all covenants and agreements within the Release of Covenant and Water Rights. E. Naslund Family Trust will sell, transfer, and convey back all such rights to the water to the City of Amarillo.


ITEM 15: Russell Grubbs, Director of Utilities, presented an overview of the water system and water conservation tips. Mayor Harpole inquired about the school parks and the watering in these parks. Councilmember Demerson stated he too had legitimate concerns about the watering at school parks.

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.


Robert Goodrich, 4111 Stony Point, suggested Roberts Rules of Order in case of ties in the ranking of applicants. He stated to increase public turnout they should provide snacks and drinks. He further stated they should keep the City Manager and Mayor away on the Wise Program presentations. He stated the need to ask citizens what they needed, and what they needed to stop doing or continuing doing. Jesse Pfrimmer, 5723 South Milam Street, stated he liked the 311 idea. He further stated the citizens were not offered a chance to comment on Item 15. James Schenck, 6216 Gainsborough Street, inquired about the point of order for the public comments. Mayor Harpole stated as a statement of fact it was a security issue. Mr. Schenck further cautioned increasing taxes to increase debt that could be used to purchase more. He stated the past Council may be going through inquires on the AEDC projects. He inquired about the Council whispering to each other and the Freedom of Information Act. He stated the City Council audio could not be heard on television. He further inquired about the regulation on trimming trees in parks and that the water fountains did not work. Councilmember Nair asked for a report on audio problems. Mr. Childers stated equipment was ordered and has now been installed and apparently there are still problems. Lila Ford Mitchell, 3124 Redwood Street, stated the northside parks need help and there has not been much change since 1967. There is nothing for children to do, no trash cans, grills, splash pads, etc. She also stated crossing Amarillo Boulevard is also hard because of the heavy traffic. Councilmember Burkett inquired about restrictions on Amarillo Boulevard. Mayor Harpole stated he would ask for a traffic study. There were no further comments.

Mayor Harpole advised that the meeting was adjourned and the Council would return to Executive Session and then adjourn.

ATTEST:



Frances Hibbs, City Secretary



Paul Harpole, Mayor