

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 22nd day of November 2016, 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:

PAUL HARPOLE	MAYOR
ELISHA DEMERSON	COUNCILMEMBER NO. 1
LISA BLAKE	COUNCILMEMBER NO. 2
RANDY BURKETT	COUNCILMEMBER NO. 3
MARK NAIR	COUNCILMEMBER NO. 4

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

BOB COWELL	DEPUTY CITY MANAGER
MICK MCKAMIE	CITY ATTORNEY
BLAIR SNOW	MANAGEMENT ANALYST
FRANCES HIBBS	CITY SECRETARY

The invocation was given by Davlyn Duesterhaus, Baptist St. Anthony's. Mayor Harpole led the audience in the Pledge of Allegiance.

A proclamation was presented for "Small Business Saturday."

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 November 15, 2016. Motion was made by Councilmember Blake to approve the minutes, seconded by Councilmember Demerson, and unanimously carried to approve the minutes.

Mr. Bob Cowell introduced Randy Schuster, Building Official and Director of Building Safety; Dr. Stacy Smith, Amarillo Shelter Vet; Scott McDonald, Strategic Initiatives; and Kevin Starbuck, Assistant City Manager.

ITEM 2: Mayor Harpole presented the first reading of an ordinance amending Article IV, Chapter 8-3, Section 8-3-82; adding article V, Chapter 8-3, Sections 8-3-116 through 8-3-131 to provide regulation of tire businesses. Scott McDonald, Strategic Initiatives, presented this item. Allen Finegold, 2601 North Grand Street, inquired as to what constitutes a scrap tire. J.R. Romero, 409 North Independence Street, stated the need to keep tire retailers honest on selling used tires. Jimmy Presley Hammonds, 1514 South Piece Street, stated the City has previously contracted with a tire recycler and retailers should keep their used tires locked up. Motion was made by Councilmember Nair, seconded by Mayor Harpole, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7631

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, AMENDING ARTICLE IV, CHAPTER 8-3, SECTION 8-3-82; ADDING ARTICLE V, CHAPTER 8-3, SECTIONS 8-3-116 THROUGH 8-3-131 TO PROVIDING REGULATION OF TIRE BUSINESSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING PENALTY; PROVING FOR PUBLICATION AND EFFECTIVE DATE.

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

ITEM 3: Mayor Harpole presented the first reading of an ordinance rezoning of Lot 18, Block 24, Sunrise Park Unit No. 6, in Section 106, Block 2, AB&M Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Residential District 2 to Residential District 2 with a Specific Use Permit for the placement of a carport. This rezoning was reviewed and recommended for approval by a 6:0 vote from the Planning and Zoning Commission. (Address: 1001 Gordon Street.) AJ Fawver, Planning and Zoning Director, presented this item. Motion was made by Councilmember Burkett, seconded by Councilmember Blake, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7632

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 SOUTHEAST 10TH AVENUE AND GORDON STREET, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

ITEM 4: Mayor Harpole presented the first reading of an ordinance rezoning vacating of portions of right-of-way to include a 0.25 ft wide strip on the west side of Lots 6 and 7 and a 0.2 ft wide strip with the addition of two 5.2 ft x 8.3 ft sections on the south side of Lot 6, Block 139, Plemons Addition, in Section 170, Block 2, AB&M Survey, Potter County, Texas. This vacation was reviewed and recommended for approval by a 6:0 vote from the Planning and Zoning Commission. (Address: 101 Southeast 11th Avenue.) AJ Fawver, Planning and Zoning Director, presented this item. Motion was made by Councilmember Demerson, seconded by Councilmember Blake, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7633

AN ORDINANCE OF THE CITY OF AMARILLO DETERMINING LACK OF PUBLIC NECESSARY FOR RIGHT-OF-WAY IN THE VICINITY OF SOUTHEAST 11TH AVENUE AND SOUTH POLK STREET, POTTER COUNTY, TEXAS, VACATING AND ABANDONING THE HEREIN-DESCRIBED RIGHT-OF-WAY PROVIDING AN EFFECTIVE DATE, PROVIDING A REPEALER CLAUSE; PROVIDING AS SAVINGS CLAUSE.

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

ITEM 5: Mayor Harpole presented the first reading of an ordinance rezoning of a portion of Lot 2, and all of Lots 3 and 4, Sunrise Park Unit No. 2 and Lot 5A and a portion of Lot 5B, Sunrise Addition Unit No. 4, all in Section 123, Block 2, AB&M Survey, Potter County, Texas to change from Planned Development 330 to amended planned development for additional signage. This rezoning was reviewed and recommended for approval by a 6:0 vote from the Planning and Zoning Commission. (Address: 4601 Interstate 40 Access Road.) AJ Fawver, Planning and Zoning Director, presented this item. Motion was made by Councilmember Blake, seconded by Councilmember Nair, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7634

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 SOUTHEAST 17TH AVENUE AND CARTER STREET, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Blake, Demerson, Burkett and Nair; voting NO were none; Councilmember Burkett abstained, the motion carried by a 4:0:1 vote of the Council.

ITEM 6: Mayor Harpole presented the first reading of an ordinance approving the vacating of an existing 20 ft. alley in Block 137, Plemons Addition, in Section 170, Block 2, AB&M Survey, Potter County, Texas. This vacation was reviewed and recommended for approval by a 6:0 vote from the Planning and Zoning Commission. (Address: Southwest 10th Avenue and South Tyler Street.) AJ Fawver, Planning and Zoning Director, presented this item. Thomas Sulley, 1000 South Lake Street, inquired as to what neighbors were being contacted. AJ Fawver, replied in this case the utility companies were notified and they retain the right to come onto the property to maintain the utilities. Motion was made by Councilmember Burkett, seconded by Councilmember Blake, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7635

AN ORDINANCE OF THE CITY OF AMARILLO DETERMINING LACK OF PUBLIC NECESSITY FOR AN ALLEY IN THE VICINITY OF SOUTHWEST 10TH AVENUE AND SOUTH TYLER STREET, 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 Blake, Demerson, Burkett and Nair; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 7: Mayor Harpole opened a public hearing and second and final reading of an ordinance amending the Ordinance defining the City's participation in the Texas Enterprise Zone Program, stating possible incentives, nominating BSA Hospital LLC as a qualified business and an enterprise project and designating a liaison for overseeing Enterprise Projects. Councilmember Nair had a question on insurance. Mr. Cowell stated there was no further discussion and the application deadline was December 1. He further stated Mr. Childers did have a conversation with the hospital but the business model would not allow them to seek insurance and they were being treated separately and independently. There were no comments. Mayor Harpole closed the public hearing. Motion was made by Councilmember Demerson, seconded by Councilmember Burkett, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7629

AN ORDINANCE OF THE CITY OF AMARILLO AUTHORIZING THE CITY OF AMARILLO PARTICIPATE IN THE TEXAS ENTERPRISE ZONE PROGRAM UNDER THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE: STATING POSSIBLE INCENTIVES: NOMINATING BSA HOSPITAL, LLC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT AND TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK FOR DESIGNATION AS A QUALIFIED BUSINESS AND AN ENTERPRISE PROJECT UNDER THE ACT; AND DESIGNATING A LIAISON FOR OVERSEEING ENTERPRISE PROJECTS AND COMMUNICATING WITH INTERESTED PARTIES.

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

ITEM 8: Mayor Harpole present an ordinance amending Chapter 8-2, Amarillo Municipal Code, for the purpose of enacting a program for the management of Community Cats through a Trap-Neuter-Return program. Motion was made by Councilmember Demerson, seconded by Councilmember Burkett, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7630

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS; AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 8-2 FOR THE PURPOSE OF ENACTING A PROGRAM FOR THE MANAGEMENT OF COMMUNITY CATS THROUGH A TRAP-NEUTER-RETURN PROGRAM BY AMENDING ARTICLE I, SECTION 8-2-1 "DEFINITIONS" TO AMEND AND ADD DEFINITIONS; BY ADDING ARTICLE V "COMMUNITY CATS" TO DESCRIBE THE RESPONSIBILITIES OF OWNERS OF DOMESTICATED CATS, THE RESPONSIBILITIES OF THE AMARILLO-PANHANDLE HUMANE SOCIETY AND CARETAKERS, THE REMEDIES WHEN COMMUNITY CATS CAUSE A NUISANCE, PROVIDING FOR THE REMOVAL OF COMMUNITY CATS, AND DESCRIBING ENFORCEMENT MECHANISMS FOR THE PROVISIONS OF ARTICLE V; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Blake, Demerson and Burkett; voting NO were none; Councilmember Nair abstained; the motion carried by a 4:0:1 vote of the Council.

ITEM 9: Mayor Harpole presented a resolution canvassing the returns and declares the results of the Bond Election held on November 8, 2016. Motion was made that the following captioned resolution be passed by Councilmember Nair, seconded by Councilmember Demerson:

RESOLUTION NO. 11-22-16-1

A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL MUNICIPAL ELECTION REGARDING A BOND ELECTION HELD IN THE CITY OF AMARILLO ON THE 8TH DAY OF NOVEMBER 2016.

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

ITEM 10: Mayor Harpole presented a resolution considering the approval of vacating an existing 20 ft Public Utility Easement (PUE) on the east side of Lot 7, Block 1, Lakeside Park Unit No. 1, in Section 91, Block 2, AB&M Survey, Potter County, Texas. This vacation was reviewed and recommended for approval by a 6:0 vote from the Planning and Zoning Commission. (Address: 7901 East I-40 Frontage Road.) AJ Fawver, Planning and Zoning Director, presented this item. Motion was made that the following captioned resolution be passed by Councilmember Demerson, seconded by Councilmember Burkett:

RESOLUTION NO. 11-22-16-2

A RESOLUTION OF THE CITY COUNCIL OF AMARILLO, TEXAS VACATING A PUBLIC UTILITY EASEMENT.

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

ITEM 11: Mayor Harpole stated Mr. Childers had tendered his resignation and as a part of the contract, he accepted on behalf of the Council. Councilmember Nair stated there was not a sense of decorum last week and he apologized to Mr. Schenck and everyone in the Chamber. Mr. McKamie stated under the Interim City Manager agreement there was a provision which allowed either party to give a 30-day notice; such letter was submitted and the obligation to continue to pay him extends until December 16. Mayor Harpole also stated there is also an amount to be paid for his lease. Motion was made to accept the resignation of Terry L. Childers as Interim City Manager be passed by Councilmember Blake, seconded by Councilmember Burkett. James Schenck, 6216 Gainsborough Street, stated he was concerned at the way the resignation was accepted. Mr. McKamie stated Council could not discuss personnel matters.

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

ITEM 12: Councilmember Nair stated they have talked to Bob Cowell, Deputy City Manager about being appointed Interim City Manager. He further stated the interim position does not put his Deputy City Manager position at risk. Mayor Harpole stated the need to accept this important promotion but not release him in his permanent position. Jimmy Presley Hammonds, 1514 South Piece Street, suggested considering saving taxpayers money. Mayor Harpole stated they were paying Mr. Childers the exactly same amount as Mr. Atkinson. William Summerford, 6103 Blue Sage Circle, inquired as to the hiring processes the City uses, which headhunters they use, and how the candidates are vetted. He further questioned if the City was continuing to use these processes and the qualities expected of these employees. Allen Finegold, 2601 North Grand Street, stated Mr. Childers brought about many changes to various departments. Motion was made to appoint Bob Cowell as Interim City Manager by Councilmember Nair, seconded by Councilmember Blake:

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

ITEM 13: 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 Burkett to approve the consent agenda, seconded by Councilmember Demerson.

- A. Purchase – Hot Mix Asphaltic Concrete:
 Advantage Asphalt Products, Ltd. -- \$810,000.00
 This item awards a contract for purchase of Hot Mix Asphaltic Concrete, used on a daily basis (weather permitting) for asphalt repairs to paved streets and alleys.
- B. Purchase – Mechanical Street Sweeper:
 Heil of Texas -- \$274,088.00
 This item is the scheduled replacement of unit 6984, 2008 Freightliner Sweeper that has reached or exceeded useable life expectancy.
- C. Purchase – Site Amenities for the Colonies Unit 63 Parks and Parkways:
 Award to Green Plains Design, LLC -- \$1,947,436.92
 This item approves the contract for construction of Princeton Park streetscaping improvements, park and parkway improvements, and capital improvements. The developer, Rockrose Development, LLC will fund the initial construction of the project and will be reimbursed through the Colonies Improvement Account. The project and contract have been recommended for approval by the Colonies PID Advisory Board.
- D. Purchase – Police Camera System:
 L3 Mobile Vision, Inc. -- \$52,683.50
 This purchase is for 10 camera systems and related equipment.
- E. Award – Network Equipment:
 Presidio -- \$78,244.00
 This purchase is to replace old network equipment that is “End of Life,” “End of Software Maintenance,” and “End of Vulnerability/Security Support” with next generation equipment that meets our specifications for security and bandwidth requirements.
- F. Award – Street & Drainage Improvements: Western Crossing Drainage, Bell Street at Diamond Horseshoe Lake and Tee Anchor Boulevard Storm Sewers:
 Amarillo Utility Contractors, Inc. -- \$343,935.00
 This item awards a contract for Street and Drainage Improvements: Western Crossing Drainage, Bell Street at Diamond Horseshoe Lake and Tee Anchor Boulevard Storm Sewers.

- G. Award – Installation Phase of Masterson 509 Pump Station Electrical Switchgear Replacement:
Ray Electric Co. -- \$311,200.00
This item is a award of bid for the installation of the Masterson Pump Station Electrical Switchgear. The equipment that is being installed was purchased with Bid No. 5363 in May 2016. The installation of this Switchgear will be the final phase of this Capital Improvement Project.
- H. Approval – Second Amendment to Lease Agreement between Titan Towers, LP and the City of Amarillo:
The original lease was approved on April 11, 2001 and the first amendment dated July 25, 2011 extended the lease term to April 11, 2031 and increased the monthly rental to \$1000 per month and the rentals shall thereafter increase each Extension Term at the rate of fifteen percent (15%) over the monthly rentals paid during the previous term and for each term thereafter. The second amendment is requesting an extension to April of 2061 with a signing bonus of \$40,000 and a 3% increase annually on the current rental rate.
- I. Approval – Texas A&M Forest Services (TFS) Agreement:
This item approves the Texas A&M Forest Service (TFS), Emergency Facilities & Land Use Agreement, TFS Contract No.: CO-16-247, Rick Husband Amarillo International Airport.
- J. Approval – Aviation Clear Zone Easement:
Aviation Clear Zone Easement being 3,755 feet above mean sea level above the plat of Memory Acres Unit No. 13, an addition to the City of Amarillo, being an unplatted tract of land situated in Section 107, Block, AB&M Survey, Potter County, Texas. (Vicinity of I-40 and Whitaker Road.)

Voting AYE were Mayor Harpole, Councilmembers Demerson, Blake, 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.

Glen Walker, 1212 South Milam Street, stated he was the Chairman of the Amarillo Taxpayers which was opposed to all the propositions. He further stated all the propositions were bad decision-making ideas. He further stated the MPEV was a pipe dream and it need to be stopped and to begin looking at reforming the Civic Center. Gary Jennings, 4503 Greenwich Place, thanked the Council, Mr. Hartman, Mr. McDonald and staff for the work that was done on the vacation of the Firestone Building. James Schenck, 6216 Gainsborough Street, stated his concerns on the bonds that passed. Mayor Harpole stated they would have a report in January. Mr. Schenck stated the information needs to get out quickly. Tom Warren, II, 1510 South Johnson Street, stated his concerns on using CIP funds for the Liberty Theater and stated he believed those funds needed to be from private funds.


Mr. Cowell stated the City Council would not have a meeting Tuesday, November 29. There were no further comments.

Mayor Harpole advised that the meeting was adjourned.

ATTEST:



Frances Hibbs, City Secretary



Paul Harpole, Mayor