

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 4th day of August 2015, the Amarillo City Council met at 3:30 p.m. at City Hall on the third floor in Room 303 in the Conference Room for review of agenda items, and consideration of future agenda items.

The City Council met at 5:30 p.m. in regular session 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:

JARRETT ATKINSON	CITY MANAGER
CLAUD DRINNEN	DEPUTY CITY ATTORNEY
KELLEY SHAW	PLANNING DIRECTOR
FRANCES HIBBS	CITY SECRETARY

The invocation was given by Davlyn Duesterhaus, Baptist St. Anthony's Health Systems. 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 July 28, 2015. Motion was made by Councilmember Eades to approve the minutes as presented; motion was seconded by Councilmember Nair, and unanimously carried to approve the minutes.

ITEM 2: Mayor Harpole presented an ordinance changing the zoning of a 2.69 acre tract of land in Section 40, Block 9, BS&F Survey, Randall County, from Agricultural District to General Retail District, in the vicinity of Hillside Road and Greenways Drive. It is recommended for approval by a 5:0 vote of the Planning and Zoning Commission. Motion was made by Councilmember Demerson, seconded by Councilmember Burkett, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7537

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 HILLSIDE ROAD AND GREENWAYS DRIVE, 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 none; the motion carried by a 5:0 vote of the Council.

ITEM 3: Mayor Harpole presented a resolution designating those portions of State Highway Loop 335 within the corporate limits of the city of Amarillo as 'Veterans Highway' in honor of the service of our veterans of the United States Military. Mr. Atkinson stated the City's cost participation would be approximately \$5,293.00 for the purchase of a sign. Motion was made by Councilmember Burkett, seconded by Councilmember Demerson, that the following captioned resolution be passed:

RESOLUTION NO. 08-04-15-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS; IN SUPPORT OF NAMING STATE HIGHWAY LOOP 335 IN HONOR OF MILITARY VETERANS.

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 a resolution setting the date and time for a public hearing on August 25, 2015 at 3:00 p.m. to determine if the property at 1003 Southwest 10th Avenue, constitutes a public nuisance and thereby declared as a 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 Burkett, that the following captioned resolution be passed:

RESOLUTION NO. 08-04-15-2

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 5: Mayor Harpole presented a resolution regarding the implementation of the proposed Convention Hotel and Parking Garage projects as Downtown Catalyst projects. The proposed resolution amends and restates Resolution 08-23-11 as amended by Resolution 11-11-14-1 approved by the Amarillo City Council on August 23, 2011 and November 11, 2014, respectively. The proposed resolution provides the updated financial, contractual and business structure of the Convention Hotel and Parking Garage projects. This item is recommended for approval by the Amarillo Local Government Corporation Board of Directors. Mr. Richard Brown stated the amended Resolution brings everything into one Resolution and includes everything that has happened to this point. He further stated Item 2.G puts the MPEV on hold until the Council instructs LGC how to proceed. This is not necessarily what the LGC members would prefer to do, but it does move forward on two catalyst projects, the Hotel and Parking Garage. Originally, the parking garage was to cost \$14 million, now the cost estimates are based on A&E by Lavin & Associates and includes the retail space. The retail space figures were provided by G4D. The Hotel is ready to proceed with construction. The timeline suggests construction commencing in mid-September. LGC's part is the Parking Garage side of the project. Those bids need to go out. Councilmember Burkett stated he did not like government competing against the private sector. He asked that this item be tabled until next week. Mr. Brown stated originally Wallace Bajjali was to proceed as the private partner for the Parking Garage not LGC. The contract with Wallace Bajjali was terminated. LGC sought expertise and invited about 26 community business people. The feedback was the simplest way was for LGC to develop the property and get someone who would manage the property. The debt service would be self-funded and paid for by user fees, people using the facilities, hotel/motel taxes and multi-funding sources. Not building the MPEV could hurt the funding of the Parking Garage. The private partner for the Hotel wants to start construction in September, they have their financing and everything lined up. There are still some things the LGC and City need to do, if we continue to delay we may not have all our pieces in place.

Motion was made by Councilmember Eades to move forward with Hotel and Parking Garage projects, and was seconded by Mayor Harpole. Mayor Harpole asked for any discussion.

Allen Finegold, 2601 North Grand Street, stated he opposed the proposition as stated. He further stated Potter County does not need the parking spaces and the hotel would only need 150 parking spaces. He asked the Council to consider having a smaller retail mall away from the Hotel. Jesse Pfrimmer, 5723 South Milam Street, stated the Hotel and Parking Garage were in illogical positions. He further stated he was against parking meters to off-set parking in Amarillo. John Ingerson, 4706 Southwest 36th Avenue, stated he was concerned about city government getting into private business. Councilmember Eades stated to create an economic engine there must be retail downtown. A chance for small businesses to open restaurants, and have reasons to *bring more people* to downtown. Councilmember Nair stated the need to inspire more cultural events and that no one wants pay to walk two blocks instead of walking one block to a free parking lot. Councilmember Demerson stated Councilmember Burkett

had asked to table this item for a week. (?) Wallace, 4917 Chisholm Street, stated the City should not be in the retail business. Michael Graham, 5825 Andover Drive, stated the need to wait on this decision until they knew there would be an MPEV. Cheryl Austin, 141 Westside Drive, stated the last few Council meetings have been nothing other than about money. Mike Abdoo, 2402 Julian Boulevard, stated the new Councilmembers ran on issues such as Animal Control, City streets, Commerce Building, or some other progress in Amarillo. He further stated there would be trouble if the City did not honored its prior commitments. Bob Juba, 550 Avondale Street, reiterate that the City needed to live up to its commitments. He further stated that LGC has worked for years on these projects and the Council needed to allow LGC to continue in the direction that they deserve. Wendy Swope, 2112 South Travis Street, stated the catalyst projects were important to businesses in the downtown community. She presented letters from 94 other businesses presenting 13,000 employees in support of downtown. She stated it was very important to note that not all 94 businesses were located in downtown, but they do not want this opportunity to slip through our fingers. These improvements are for the quality of life for all of Amarillo, and future generations forward. Carolyn Thornton, 1947 South Marrs Street, stated she was for the MPEV, Hotel and Parking Garage for the future of Amarillo, and the different parts of Amarillo. She stated she has attended the City budget meetings and was appalled by the lack of presence of the new Councilmembers. She stated the need for on the job training, and the need to let these projects continue to go forward. Councilmember Burkett stated he was familiar with budgets. Ms. Dutchworth, 1004 South Lamar Street, stated she was not against the Hotel or Parking Garage but did not feel the current ballpark would be too expensive to fix. She would like to see an indoor swimming pool in place of the MPEV. Matt Morgan, 7906 Triumph Place, stated he was in support of moving forward and aware of the opportunity costs of not moving forward. He stated the lack of young students and adults willing to stay in Amarillo would be a generation lost. He further stated the Councilmembers were on the ballot these projects were not. James Skank, 6216 Gainsborough Street, stated he was not against the revitalization of downtown and felt it was making progress, but the need to slow down, that we may not have the right commodity to make it work. Amarillo has always been strong and steady, not jumping into projects. Savannah Gates, 6507 Tilden Court, stated she was an employee of Pantex and young professionals do not come here, but stay for jobs, its culture and charm. Gary Jennings, 4503 Greenwich Place, asked that they show faith and courage and not be afraid. Mr. Brown stated all projects are placed on hold pending action by the City Council and it was not necessarily what LGC members what to do, but LGC is not clear on the direction, and he stated the pressing need to move forward with the Hotel and Parking Garage. Councilmember Demerson stated he had reviewed the contracts with Mr. Brown and now Councilmember Burkett has asked for the same opportunity. Councilmember Eades stated this item was placed on the agenda Friday afternoon and there has been opportunity to look at the details. He further stated that people came tonight expecting the leg work to have been done and action taken tonight.

Mayor Harpole called the question and asked all in favor of Resolution No. 5. AYE were Mayor Harpole and Councilmember Eades. Opposed were Councilmember Nair and Councilmember Burkett. Councilmember Demerson abstained.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING AND REPLACING RESOLUTION NO. 08-23-11-1 AND RESOLUTION NO. 11-11-14-1, ACCEPTING RECOMMENDATIONS FOR DOWNTOWN REDEVELOPMENT, PHASE I; AUTHORIZING STAFF AND THE AMARILLO LOCAL GOVERNMENT CORPORATION TO PROCEED; PROVIDING SEVERABILITY CLAUSE; COMMENDING COMMUNITY PARTNERS, PROVIDING SAVINGS CLAUSE, AND EFFECTIVE DATE.

ITEM 6: Mayor Harpole stated this item is a discussion and possible action by the Amarillo City Council regarding the Multi-Purpose Event Venue (MPEV) portion of the Downtown catalyst projects. Under this item, the City Council may instruct staff to immediately prepare a resolution calling a referendum election regarding the MPEV project to be held on November 3, 2015 or to take such other related action as appropriate.

Bill Gilliland stated four days ago he was approached by John Kritser who stated he

would contribute to enhance this project. In four days, Mr. Gilliland stated he had raised \$2,075,000 from approximately 20 supporters for the MPEV. He further asked that his item not be placed on the November ballot. He stated it was unfair to the voters and to the project because it was at risk of being defeated. He felt the May 2016 election would give them ample time to better present and explain the project. Laura Street, 5204 Spartenburg, stated people came forward for the MPEV and additional time is needed to present the project and explain it to the voters. If the public needs to vote on this project they seek additional time. After eight years and over 200 public meetings, if the Council has to vote on it, they were asking that this item not to be shut down. Mayor Harpole inquired if the donors names could be published. Bill Gilliland read the list of names on his pledge list. Councilmember Burkett stated there could be a Plan B and the need to let the people vote on what they want. Mr. Gilliland asked that they avoid saying no, because it could set this project back five to seven years. John Lutz, 202 South Arthur Street, stated here is work to be done on how we operate the MPEV facility, and the actual design of the facility. The details for the MPEV are not as close as the Hotel or Parking Garage. Because those facts are not in hand, he asked for time to make those things more concrete. They are not ready today, and probably will not be ready in November. Mayor Harpole inquired if voting in May would delay the ballpark season. Richard Brown stated the MPEV was not ready to proceed, and does not answer the questions on what we can and cannot do with the MPEV. Councilmember Burkett stated the City recently gave the Hotel developer a 90-day extension, he was asking for one week. Mr. Brown stated he was at the Council's disposal. Councilmember Demerson asked Mr. Brown to assure Mr. Patel this item would be back on the Council's agenda next week to allow Mr. Burkett time to review the numbers and the contracts that have been committed on the Hotel and Parking Garage. Judge Bryan Poff, stated Mr. Gilliland has asked the Councilmembers to wait until May to raise more money. Judge Poff asked that this item be put it to a vote. Kent Ries, 12 Didrickson, stated he was pro downtown and the Potter County baseball complex was commonly known as the Dilla Dump. He further cautioned that independent teams fail all the time. He preferred this issue be deferred to a City vote. Steve Lyles, Chisholm Trail, asked that the people make this decision in November.

Lily Gamble, 7105 Kelsey Drive, asked that any venue ideas be passed along to the LGC or DAI. Meghan Riddlesburger, 6900 Alpine Lane, stated that voter turnout was terrible everywhere and there was not anything to be done to make voter turnout better. Ms. Riddlesburger asked that this issue not go to a public vote. Jimmy Presley Hammonds, 1514 South Pierce Street, asked that this issue be a public vote. Michael Graham, 5825 Andover Drive, stated the Council were the ones elected. Allen Finegold, 2601 North Grand Street, stated that the City Hall building and the Civic Center were voted on by referendum. Trina Fournier, 4427 South Hayden Street, stated Mr. Sanders presented lots of old data and some of the data was not valid or applicable. She did not think a public vote was the right way to go because people do not turn out, and the Council was elected to do what is right. Peggy Howard, 2036 South Lipscomb Street, questioned the business plan of the MPEV and had accessibility questions regarding the Parking Garage and Hotel. She stated she had confidence in the public, and the matter should be put to a vote or an alternative project. AJ Stamps, 4819 McKinley Lane, stated City leaders have had the time to know what is going on. Cindi Bulla, 1400 Reagan Court, stated Mrs. Street and Mr. Gilliland have stepped up every time Amarillo was in trouble. She stated it was time to make a decision. John Ingerson, 4706 Southwest 36th Avenue, stated a good downtown plan would not be dividing our City and there was way too much happening at the national level. He asked to get this deal done and move forward. Brennan Leggett, 7409 Fargo Drive, stated Amarillo means yellow in Spanish. He wants to see the town grow and be pro-business. He stated the need to work together. Cheryl Austin, 141 Westside Drive, stated that the City Council does not have the ability to determine nuisance property. Mayor Harpole stated this subject was not in order at this time. Ron Walker, 8408 English Bay Parkway, stated Xcel was moving dirt downtown with the new office building. He stated one-fourth of Xcel's workforce would be retiring in the next five-ten years. Ms. Dutchworth, 1004 South Lamar Street, stated the current ballpark does need remodeling, but that it could be fixed up for a reasonable amount of money. Eloy Heras, 1604 South Harrison Street, asked that this issue be put to a vote. Lupe Sanchez, compared Amarillo's downtown to Lubbock's downtown. She asked the Council to vote on this issue. Mike Abdoo, stated the U.S. Congress has the worst approval rating for not getting anything done or accomplished. He stated it appears that is what we have done this evening. He further stated it was time to stand up and not to

kick the can down the road, to approve the Hotel and Parking Garage. James Skank, 6216 Gainsborough Street, asked this item be put to a vote. Mr. Atkinson stated they would discuss the wording to be put on the ballot.

Motion was made by Councilmember Nair, and seconded by Councilmember Burkett calling a referendum election to be held on November 3, 2015. Councilmember Eades asked to amend the motion to change from the November 3, 2015 election to May 2016. Mayor Harpole seconded the amendment. Councilmember Demerson opposed the amendment. The original motion was voted on voting AYE were Councilmembers Demerson, Burkett, and Nair; voting NO were Mayor Harpole and Councilmember Eades; the motion carried calling a referendum election to be held on November 3, 2015 by a 3:2 vote of the Council.

ITEM 7: Mayor Harpole presented the consent agenda and asked if any item should be removed for discussion or separate consideration. There were none. Jesse Pfrimmer, 5723 S. Milam Street, stated the need to educate Amarillo Citizens on the drainage fees. Mayor Harpole stated there were approximately 15,000 homes that were charged \$1.79, 40,000 homes at \$2.79, and 15,000 at the top rate. Bob Juba, 550 South Avondale Street, stated the drainage fees were necessary not only for the playas but the railroad crossings and poor drainage in other areas. Dipak Patel, 46 Colonial Drive, inquired if the City rented or bought the water pumps. Mr. Atkinson replied the pumps are rented but the City has three portable pumps in inventory all currently pumping on projects. Mayor Harpole stated most of the investment is in the hoses. Allen Finegold, 2601 North Grand Street, suggested the City have public hearings concerning its infrastructure and storm drains. Councilmember Eades stated most of those drainage concerns are listed in the proposed budget book. Mr. Finegold also stated the need to increase storm sewer inspection services and to add trucks with video equipment.

Motion was made by Councilmember Eades, to approve the consent agenda, motion was seconded by Councilmember Demerson, and unanimously carried, to approve the consent agenda and authorize the City Manager to execute all documents necessary for each transaction.

A. Approval – Emergency Pumping Project – Playa #7 (Greenways):

Award to: low responsive provider – United Rentals -- \$46,964.57/month x two months = \$93,929.14

This item approves the emergency procurement of a portable pump, inline pump and associated piping to move water from Playa #7 to McDonald Lake. This system is capable of removing approximately 3,000 gallons per minute from Playa #7. Lowering the level of this lake will protect residents and property in the surrounding area and provide capacity for future rain events. Funding for this project will be from the City's Drainage Utility Fund.

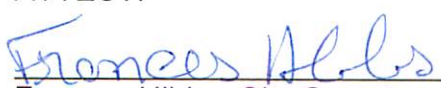
Mayor Harpole announced that this is the end of the regular agenda, but time is reserved to hear any citizen concerning matters pertaining to City policies, programs or services not on today's agenda. The public forum is set under the Open Meetings Act and that during the public forum the City Council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

David Causey, 1014 Cimarron Canyon, Canyon, stated concerns to have an unbiased parliamentarian. James Skank, 6216 Gainsborough Street, Resolution 5 with the vote of 2-2-1. Mayor Harpole replied that Councilmember Demerson has asked that this item to be placed on next week's agenda, and Resolution 6 with a vote of 3-2 be placed on the November ballot. Cheryl Austin, 141 Westside Drive, stated the City had no constitutional right to destroy homes.

There were no further comments.

Mayor Harpole advised that the meeting was adjourned.

ATTEST:



 Frances Hibbs, City Secretary



 Paul Harpole, Mayor